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WASHINGTON, D. C.

The Review.

Our acknowledgements are due to the publishers, for the following works, received through Messrs. GRAY & BALLANTYNE, at whose store they may be found on sale.

A CRITICAL COMMENTARY on the Epistle to the Hebrews. By Francis S. Sampson, D. D., Professor of Oriental Literature in the Union Theological Seminary, Prince Edward, Virginia. Edited from the manuscript notes of the Author, by Robert L. Dabney, D. D. New York: Carter & Brothers. 1856. Pp. 475, 8vo.

A MEMOIR OF ADELAIDE LEAPER NEWTON. By Rev. John Baillee, Minister of the Free Church of Scotland. New York: Robert Carter & Brothers. 1856.

SABBATH EVENING READINGS on the New Testament. St. John. By Rev. John Cumming, D. D., F. R. S. E. Boston: John P. Jewett & Co. 1856.

THE HEATHEN RELIGION in its Popular and Symbolical Development. By Rev. Joseph B. Gross. Boston: John P. Jewett & Co. 1856.

EDITH HALE. A Village Story. By Thrace Talmon. Boston: Philips, Sampson, & Co. 1856.

THE VICTORY WON. A Brief Memorial of the Last Days of G. R. By the author of the "Memoir of Captain H. Vicars." New York: Robert Carter & Brothers. 1856.

MISSIONS Needful to the Higher Blessedness of the Church. A Discourse at the Anniversary of the Society of Inquiry of the Union Theological Seminary, on Sabbath evening, May 4, 1856. By William R. Williams. New York: Robert Carter & Brothers. 1856.

PREACH THE WORD. A Discourse delivered at the Opening of the General Assembly of the Presbyterian Church of the United States of America, May 19, 1856. By Rev. N. L. Rice, D. D., Moderator. New York: Robert Carter & Brothers. 1856.

Biblical science is indebted to Dr. Sampson for a valuable contribution to its progress. His Commentary on the Hebrews, laboring as it does under the disadvantage of not having received in all its parts his finishing touch, and published after his death, yet bears the mark of ripe scholarship and diligent research. He availed himself of the best helps that the labors of many learned commentators on the book have furnished; but he thinks too for himself. It is exegetical, based on the true principles of Biblical interpretation; clear, condensed, and more than usually satisfactory. There are no long disquisitions, but rather the statement of results of careful and patient investigation by a candid mind, disposed to weigh conflicting interpretations, and decide on strict philological grounds and a comparison of the various passages of Scripture which may throw light on any obscurer portion under his notice. His position that the Apostle Paul is the author of the Epistle, is stated and sustained, as we think, in his Introduction, which, with the Introductory Essay, deserves a faithful perusal, as a fine specimen of the author's abilities as a teacher. The work is designed for those acquainted with the original Greek, as that text is given, and the interpretations proceed on arguments and illustrations connected with the grammatical structure and mode of speaking in that language and the Hebrew. It was prepared by the deceased author as notes to his lectures to his classes in the Theological Seminary, and on this account will be most prized by theological students and ministers of the Gospel. The circulation must hence be limited, though intelligent Christians not versed in the Greek or Hebrew will find much that is instructive in portions of the volume. The type is large and clear, the page well leaded, so that it is easy for consultation. We were sorry to notice a few typographical errors, which we hardly expected in such a book, and from the press whence it is issued. We cannot, in closing this notice, but remark, how great is the loss of such a man to the Christian world, and the Seminary he adorned by his fitness for his work, and the manner in which it was performed. The church of our country is highly indebted also to Dr. Dabney for giving this volume by his friend to her means of Biblical study.

The Memoir of Miss Newton is a beautiful record of active piety. As biographies are compiled from diaries and letters, it often happens that the hand of partial friendship may present a different picture of the subject from the true one. There are many individuals, who, with the goodness and zeal they exhibit before the world and in their correspondence with others, yet known intimately by those who are every day with them, are felt to be characterized by sad deficiencies. One thing abroad, and another in conduct at home, they could scarcely be recognised as the same persons. In this memoir, we feel that it could not have been so with her. The sweet, intelligent countenance, the whole aspect of her life as portrayed, the earnest devotion in every way to the cause of her Saviour, the spirit of lovely tenderness and kindness of her daily intercourse with kindred or friends, her benevolence, humility, and patience, breathe over these pages a testimony that we at once admit to be true, and that cannot be gainsayed. Her calm and holy trust, as she meets the hour of death, crowns the whole with an undying wreath, fragrant with memories of blessed deeds and a faith that grew stronger and brighter to the last. Examples like this show how attractive piety is lending a yet higher grace to the youthful and amiable; and we commend this memoir to such, assured that we do them a favor by pointing them to one so so lovely and so devoted to the Redeemer.

Dr. Cumming's volume of *Sabbath Readings on St. John's Gospel*, is one of the best of his works we have seen. Marked, as usual, by some of his peculiarities, it however combines exposition with practical application, and is well adapted for its intended purpose. It does not supply the place of a commentary, as the series of remarks rests upon a chapter, or considerable portion of one, rather than on the verses taken singly, or words or phrases examined and illustrated on the principles of criticism. It is a series of meditations, leading the mind to dwell upon the spirit and bearing of the truth exhibited in the life and teaching of our Saviour, and hence well fitted to furnish the Christian with thoughts for his private reading and reflection. In this point of view, we hope it will find numerous readers.

The preface of the Rev. Mr. Gross's book on the *Heathen Religion, &c.*, is dated in 1854, and the copyright appears to have been taken out in 1855, so that we presume this must be a second issue from the press, as it has the imprint, on the title page, of 1856. We have never seen the work before, nor do we recollect any allusion to it in our reading. The author's views seem to be based on those of a class of writers who have labored to resolve all idolatry into symbolism. He does not, however, go to the extreme to which some of them have carried their speculations. He appears to have fallen in with Creezer, Mone, and Kaiser, whose books have been published a number of years since; while of later works, as Wütke and others, as well as the investigations connected with Egyption hieroglyphics, he makes no mention. To those who cannot have access to abler works, Mr. Gross's book may supply instruction. His eagerness to press his theory sometimes, however, lends him to statements that are to be received with considerable deduction. Thus, as a single instance, he says, in his chapter on idols: "In the earliest ages of heathenism, artificial idols did not exist, for the plain reason that no one possessed sufficient skill or means to make them." A singular assertion, when we reflect what kind of idols the heathen even now have in many parts of the world. So, after quoting Dr. Ward's book on the mythology of the Hindoos, as his authority for a certain view entertained by them, he subjoins, in a note, that such a thing is "sheer nonsense," and must be explained figuratively. The author overlooks the great fact that, amid the vast diversity in which Paganism has shown itself, we have to look to a variety of forms of origin, and that to reduce all under one head is impracticable. It is, no doubt, easy for the theorist, as he examines existing systems, to say how this and that mythology must have sprung into being; but in these attempts to trace them to one rational design, too little weight is given to the scriptural view, if indeed it be not often wholly ignored. The apostle Paul, in the first chapter of his epistle to the Romans, has given us the truer solution of the question, when he says that, "professing themselves to be wise, they become fools," and also, elsewhere, that "men did not like to retain God in their thoughts," and therefore "he gave them up to believe a lie." Apologies for idolatry and the gross sensualism of paganism can hardly be admitted, when we have God's own word as a surer guide to direct our views. We are surprised that our author has so little reference to the Bible on this topic, and we can attribute it only to the fact that the speculations of the writers to whom he acknowledges his particular indebtedness, for the most part, regard the book of God scarcely as of higher authority than profane history.

The village story entitled *Edith Hale* is evidently the production of a person who has observed life and manners, and is acquainted with various species of literature. The illustrations, borrowed sometimes from classical subjects, sometimes from German philosophy or history, and at others from Scandinavian mythology, prove that the author has turned his attention to all these sources of knowledge. The tale is one of struggling poverty and virtue, rewarded at last, though the ordeal of trial has been a severe one. Edith's character is well drawn—better than most in the book. The style at times wants ease, and becomes artificial. Some of the portraitures are in their various features out of keeping with others, and perhaps the general impression as to certain of them is not what the author aimed to produce. Taken as a whole, the attempt to trace the thread of Providence in the tangled web of life is a creditable one. But all this might have been done, we think, with as sure, and perhaps better effect, had parts been omitted. Its length renders it somewhat tedious, and the reader, in looking for the winding up, will often hurry over, and, it may be, omit connecting links. The book is gotten up in the usual neat style of its publishers.

The next three works on our list are small, but a few pages each. In matter, however, they make up for extent. Our readers will remember the notice we gave of the life of Captain Vicars, and we hope that before this they have proved its correctness by their own delight in the perusal of the book itself. *The Victory Won*, by the same author, is the account of the conversion and the last few months of the life of a man of superior intellect and education, who from an infidel, unwilling, even amid his failing strength, to hear a prayer, or think of his prospects for eternity, by God's grace was brought to see his error, to embrace the truth with his whole heart, and in a meek and humble endurance of a wasting disease, from his dying bed, like the departing orb of day, to send forth, as it were, a radiance of glory, reflected with softened beams from that world into which he was just entering. The reality of the change wrought in his heart is strikingly presented in his conversations; and what but the power of the Holy Spirit could so have caused "old things to pass away, and all things to become new?" It is written as in sunlight; and it comes up from the very grave, with a voice to bid the dying sinner, as he is hurrying on from time to eternity, to look to Jesus and live. It was through His atoning blood pardon was sought and found; and when all was over, as the once lost, now saved, had made request, the large card was reversed, that had borne inscribed the words on which the dying eye was last fastened—"The Son of Man is come to seek and to save that which is lost." "I want nothing, now, but a further revelation of the beauty of the unseen Son of God," there appeared to those who came to gaze on that lifeless corpse the chosen farewell words of cheer and triumph, "Thanks to God, who giveth us the victory through our Lord Jesus Christ." The victory was won, and being dead he yet speaketh, to call every reader to become, as he did, a "follower of them who through faith have inherited the promises." Our readers can need no more from us, to make them to listen to his voice, conveyed to us in the pages by one to whom as the instrument he owed his awakening and conversion, and who heard his humble confession, witnessed his calmness, caught his parting smile of peace, and looked on "the clear, deep, spiritual eye upraised," while "lighted up by the lingering ray of the soul which was with its God."

Of Dr. Williams and Dr. Rice's Discourses, it is enough to say that their titles indicate their subjects, and their authors have that reputation as able ministers of the Gospel which guaranties them to be worth reading. They are printed in a neat and convenient duodecimo form, rather in the usual pamphlet one of sermons; and this, too, will, no doubt, aid much in securing a more extended circulation.

A useful book, published by Miller, Orton, & Mulligan, New York and Auburn, 1856, designed as a Guide to Travellers, and furnishing a variety of information respecting several of the Western States, also has been placed in our hands, by the courtesy of the press from which it is issued. The title shows its character, which appears to be sustained, as far as moderately-sized volumes can occupy so extensive ground. Its author states that he has visited all the country described up to the Rocky Mountains, and has also consulted and compiled from a variety of writers on the topics embraced in his plan. The history and wars and conquest of the territory included in the West, its character and prospects, are presented in a condensed form, and numerous interesting facts thrown in, to furnish not only information, but likewise to arrest the attention by the more lively scenes that are associated with such a subject. The view he gives of Kansas, and the wrongs endured by men who are perilling their lives for Freedom, is dispassionate, and yet decided for right. We would quote the heading of the chapters in full, if our room was not already occupied, and we can merely subjoin, as we intended, the title in full, viz: "The States and Territories of the Great West, including Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska; their Geography, History, advantages, resources, and prospects; comprising their local history, institutions, and laws; giving a table of distances, and the most direct routes, and modes of conveyance; also, pointing out the best districts for agricultural, commercial, lumbering, and mining operations. With a map and numerous illustrations. By Jacob Henry. New York: Miller, Orton, & Mulligan. 1856."

From GOULD & LINCOLN, of Boston, we have received two volumes, with the respective titles:

THE CAMEL; his Organization, Habits, and Uses, considered with reference to his introduction into the United States. By George P. Marsh.

THE HALLIG; or, the Sheepfold in the Waters. A tale of humble life on the coast of Schleswig. Translated from the German of Biernatzki, by Mrs. George P. Marsh. With a biographical sketch of the author. 1856.

Both of these works are of high merit. Mr. Marsh has had opportunities of observation, as well as means of consulting the ablest writers on the subject of his book, enjoyed by few; and none are more able to avail themselves of the one or the other sources of information than he. Though modestly disclaiming the praise that is his due, and presenting himself before the public as chiefly indebted to other books, yet those who know Mr. Marsh will hardly feel willing to let him thus disclaim his own rightful meed of their obligation to himself. The attempt now making to introduce the camel into our country renders this work the more valuable at the present time. All that is necessary to be known, as to its habits, capabilities, and uses, is presented to us in a condensed form, by one who we know to be of undoubted authority, and on whose researches the utmost reliance can be placed. Mr. Marsh does not seem to doubt the feasibility of the experiment, and regards it as a matter of no little importance in relation to our overland traffic. The book is of a nature to interest any reader, as the facts relating to this oldest beast of burden are oftentimes curious, and deserving attention.

Mrs. Marsh has, in her contribution to the reading public, brought out a work of striking interest. It is a religious tale, depicting the simple pastoral life, the manners and customs, and the perils and scenes of privation, among a rude people who dwell on the low islands, often half covered by the sea, on the coast of Schleswig. Interwoven is a tale of love and desertion; and, when coquetry has wrought its work, reunion in death. The scenes are often of thrilling interest, especially the account of the travellers on the ebb-sands, and the inundation by which the final catastrophe is brought about; while the deep religious spirit which is diffused through the whole makes it a book, too, of real value to those who may thus prize it. The translation is happily executed, and the whole furnishes a picture of humble poverty and piety, with the care of Providence, amid the dangers of exposure, which will no doubt be heightened, in the perusal, by the knowledge that it is drawn, in no small measure, from the experience of its author's life.

HOME STUDIES. By Rebecca Upton. Boston: Crosby, Nichols, & Co. 1856. For sale by Taylor & Maury, Washington, D. C.

This is a sort of Dictionary or Alphabetical reference book to subjects connected with domestic affairs. Here are the mysteries of cookery, receipts, and whatever may help the housewife in her vocation. The authority of Mrs. Upton is regarded by our friends, in and around Boston, we understand, as unquestionable—so that, if her directions be pursued, many a good dinner and many a nice regale will be the result. The old "proof of the pudding is in the eating," we presume, will be the best test to our readers of the truth of the vouchers by whom this volume comes accredited to us.

TYPICAL FORMS AND SPECIAL ENDS IN CREATION. By Rev. James McCosh, LL. D., and George Dickie, A. M., LL. D. New York: Robert Carter & Brothers. 1856. For sale by Gray & Ballantyne, Washington, D. C.

To do justice, even, in a notice of such a book, in a public journal, more space is demanded than we can devote to this purpose. One of the authors is already known by his able work on the method of the Divine Government, a volume which we had occasion to commend to our readers a few months since. This new production fully sustains our expressions in respect to Prof. McCosh's style and method of reasoning, at that time. Prof. Dickie, who is entitled also to a portion of the credit of this joint production, we presume, has furnished the facts and views that bear on the argument, derived from natural history in its branches as a science. There is no line of demarkation drawn, by which we can assign to one or the other of the authors a particular portion of the book that belongs to him. They appear as co-laborers, and yet we suppose the body of the work, as well as the original plan, is to be attributed to Prof. McCosh, since it is the carrying out of a principle which he stated, somewhat fully, in an elaborate article of the *North British Review* for August, 1851—a paper which was pronounced, by Hugh Miller, to be "one of the most suggestive and ingenious" articles he had almost ever perused. This was followed by communications to different learned societies, and published in their Transactions and Scientific Journals, by our authors, and which were regarded with much favor. In consequence of these results, they have combined their forces, and concentrated their views in this large volume, the republication of which we owe to the same enterprising firm that has favored us heretofore with so many valuable works, by the modern Scottish writers on Theology. One peculiarity that strikes us as belonging to this class of authors, most of whom, we presume, have been trained up under the influence, if not direct instruction, of Dr. Chalmers, is a broad and comprehensive view of the subjects of which they treat in their diversified relations. They are not afraid to go out into all the fields of nature, and gather in from her rich stores illustrations of every kind, to show how that, even in so small portion of his Universe as God has seen fit to bring to our knowledge in our earth, and the system connected with it, vast as it is in its development, yet small in comparison with what is known, proofs everywhere meet us of an infinitude of reach of design and practical wisdom that ought to silence every cavil, and teach the proudest son of science to feel his nothingness, and adore.

They not merely explore, bring in, and apply the knowledge they so gain, but there is a clear, plain, common-sense way, too, of using their arguments, characteristic of the Scottish downright mind, differing in this respect from the mazy and mystic speculations of many of the German writers, who so wrap up the plainest truths with the technicalities of a transcendental philosophy, that, after the cover is removed, the shell broken, and we get to the inside, while we find only some very commonly-received ides, or just such as may have often passed through our minds, we wonder an author could not at once have told us what he meant. Yet there is no want of profound thought, logical sequence, or solid demonstration, in these writers of Scotland. They are skilled in analysis, adepts in reasoning, but they choose to follow out their trains of induction in their own way, even if it be a somewhat homelier one, because it better meets the wants of those minds with which they have to deal. These traits are most evident in the volume before us. The numerous references show that it is a learned work. Facts strewed everywhere through the realms of nature and the visible creation are appealed to. Physical science pours out its treasures for their use. Inanimate and animate nature furnish them with the illustrations they require. It is impossible for us to do more than glance at the plan of the work in its most marked outlines, and which is carried out in numerous details with skill and excellent effect. Two great principles or methods of procedure are supposed to be kept in view in the constitution of the material universe—one, the principle of *order;* the other, that of *special adaptation.* The first book is devoted to these. *Order* is considered in respect to *number, time, color, and form.* Under each of these branches are many interesting remarks. The need of special adjustments to the beneficent operation of the forces of nature; that these adjustments are designed, and not casual; their obviousness and completeness are the points selected as the divisions in the subject of the principle of *special adaptation.* In the second book, entitled, "coordinated facts, giving indications of common order and adaptation throughout the various kingdoms of nature," there is an extended reference to the structure of plants and animals, with the forms and colors of plants. An examination is made in this regard, as to the vertebrate skeleton, and especially the teeth; also, to the other classes of animals, as the *mollusca, articulata, and radiata;* to the nervous, vascular, and muscular systems; the community of plan, with special modifications in the development of organized beings; geology; inorganic objects on the earth's surface and the heavens. A rich variety of illustrations, furnished by these different departments of the kingdoms of nature, some of which, also, are rendered more clear by drawn figures, are here used with much effect. The third book, which is on the interpretation of the facts, is divided into three chapters, embracing several sections. Here are considered the argument from combined order and adaptation; the correspondence between the laws of the material world and the faculties of the human mind; typical forms of nature and revelation, embracing the types of the Old Testament, typical numbers, and the typical system of the New Testament. An appendix gives a selected list of plants, illustrating associations of color, and the relations of form and color. The work has a short index, which we should be glad to have found more extended and particular, as such a book seems to require, and which would much enhance its value. We can only add, after this full synopsis, that our readers who will carefully examine it for themselves will not feel that their time or attention has been wasted in its perusal. Yet we warn them, too, it is a book that requires something more than a hasty glance or casual look, to avail themselves of its various and profitable instruction.

"THE TIME OF THE END." A prophetic period, developing, as predicted, an increase of knowledge respecting the prophecies and periods that foretell the end. Illustrated by the history of prophetic interpretation, the expectation of the Church, and the various computations of the times of Daniel and John, by commentators who generally terminate them between 1830 and 1880. Also, "Our Present Position in the Prophetic Calendar," with his "Apocalyptic Seven-Sealed Scroll," by the Rev. E. B. Elliott, A. M. Lectures on the Nature and Nearness of the Advent, by the Rev. John Cumming, D. D. Lectures on the New Heavens and New Earth, by Dr. Chalmers, Dr. Hitchcock, and John Wesley; and the testimony of more than one hundred witnesses against the modern Whitbyan theory of a millennium before the advent. By a Congregationalist. Boston: John P. Jewett & Co. 1856.

We have given this long title, as by it we think our readers will get as correct an idea of the book as any notice we could write. The greater portion of the volume is extracts from other authors; and its main value, of course, is in its being a compend, in a moderate size, of the opinions of numerous writers on the prophecies relating to the millennium, the coming of Christ, and the end of the world. Who lays claim to the labor of compilation, we are not informed. He might have done worse in his selections; and yet, in noting various omissions of other commentators on the subject, we think, too, he could have done still better. It is a singular collection of authorities, where a few verses or so of a hymn figure as an expression of views by one man, alongside of the grave arguments and deductions of a learned commentator or divine, treating on the subject expressly; an extract of six or eight lines from from Calvin; a sermon from Chalmers is here; a page or two from another writer, a little portion of a periodical, testimonies of all sorts and sects, made in all methods and ways, have a place. We must not forget to notice, too, the Chart, or Seven-Sealed Scroll, with its red and yellow colors, and the various periods marked out so definitely, which is prefixed to the work, by which "he that readeth may run."

CENTREVILLE, WAYNE CO., IND.,
June 30, 1856.

To the Editor of the National Era:

I am one of the comparatively few Free Soil men, yet not inconsiderable in numbers, of this State, who, since the Know Nothing irruption of 1854, and the consequent demoralization and final dissolution of the Free Democratic party of 1848 and 1852, up to a quite recent period, have felt compelled, by a sense of duty, to hold the position of "outsiders" to the leading political organizations of the day. We could not, of course, support either the "Old Line" Democratic, or the Fusion-Know-Nothing parties. Hoping, yet fearing, and sometimes, I confess, almost despairing, we waited, some of us not very patiently, the dawning of a better day.

I rejoice, however, now to be able to say that our fears have been dispelled, and our hopes more than realized, by the action of that Convention, (at Philadelphia.) Its platform, I think, ought to satisfy any voting Anti-Slavery man. The candidates, I see no reason to doubt, are true men; and, standing upon that platform, as its representatives, are worthy the support of all friends of Freedom. Let it therefore, if possible, only be borne in mind, that now, for *the first time*, the issue is fairly made between the two great parties of the country, in a Presidential canvass, as to the validity of the principle of the Ordinance of 1787, and the denationalization of Slavery. God grant, that it may be as fairly met at the polls by intelligent American voters everywhere! I cannot speak with respect to our State ticket; but I feel warranted in saying that the Anti-Slavery men of Indiana will be a unit next November for FREMONT and DAYTON.

Yours, respectfully, ISAAC H. JULIAN.

For the National Era.

MRS. HADDEN.

CHAPTER VII.

"I don't see a soul here that I know! I don't know what I came for!" said Fletcher to Mrs. Hadden, with his well-turned lip curled a little. "I find I calculated on being under your wing all the evening. You have quite too large a brood," looking over the assembled heads, "for this, I see."

"Yes, to-night, I have. You must come over soon, when we are alone. Come over, for the day; and then we will have some of the good, long talks we had when you were here last season. Do you remember?—we didn't agree upon anything. And this was all the better, since we liked it so well, disagreeing. I fancy, though, that we should hardly be so far apart in discussing these times; for you must certainly deprecate this miserable Know Nothingism as heartily as I do. Don't you despise it?" she inquired, after waiting a moment for him to speak.

"Well, no, I don't, Mrs. Hadden." He looked at her now—he had been looking down at his and her feet.

"Oh, Arthur Fletcher! I hope *you* aren't a Know Nothing!" and her voice was like a cry of sudden pain.

"I'm sorry if it troubles you; but I am." He said it with a look of manly concern, that made Mrs. Hadden like him better than ever, in that moment, which evinced how wide apart they were in their convictions.

"Well," sighed she, after a pause, during which tears gathered in her eyes, "our God knows what is right and best. You may think one thing, I another; you may do one thing, and I another. It is God's will that is done, after all our thinking and trying. There isn't, in all Shakspeare, another so true a thing as this:

> "'Let us know,
> Our indiscretion sometimes serves us well,
> When our deep plots do fall; and that should teach us
> There's a Divinity that shapes our ends,
> Rough-hew them as we will.'

"I think of this—I know this; but I do pray that our son may never be a Know Nothing. It would grieve me inexpressibly. For, don't you see that this Know Nothingism is turning one more of our hallowed designations into a term of mere mockery and reproach? I've been ashamed, for years, whenever I have heard our country praised as the land of the *free!* What can we say, after this, when it is called (as it has so often been, and with truth, until now) 'a refuge for the oppressed and the starving of all nations?'"

"They can come now, Mrs. Hadden."

"Yes, to be suspected, to be hooted at and insulted in the streets, at the railroad stations, and everywhere. Now, when my husband was at Concord, last week, he saw a specimen of what no doubt goes on at many places. He was at the station, waiting for the train, to come home. When the train came in, an Irish family, a poor, bewildered-looking Irish family, got out of the cars to stop there. There were husband, wife, and several children; among them, two boys of about eight and ten, I think, from what my husband said about them. Well, what do you think was done to them, almost as soon as they set their feet down upon this earth, that is neither one man's nor another man's, but God's? They were beset, poor creatures! by a rowdyish set of Know Nothings, or by a set, at any rate, who had the essential reflexion of Know Nothingism upon them; were pushed about, hustled against the walls; their caps were knocked off, their noses were cuffed up; they were called "paddies," "beggars," "catholics," "toads," and told to "go home to Ireland, where they and all their race belonged." And the poor creatures didn't resent it at all, Arthur Fletcher. The mother cried, the children cried, the little babe with the rest, for the poor thing read the distress in its mother's face and took up its early wail of fear and trouble. The father was very pale. He kept continually jabbering in his poor way, trying to remonstrate with the young men who were tormenting them, and to comfort his wife and children. He tried to keep himself between those ruffians and his children; but he couldn't. They were too active and quick for him, with his heavy heart. While this went on, of course others laughed, or, at the least, smiled, for the taint of Know Nothingism was upon them all, or upon nearly all. And now, what can one who loves his country (to say nothing of humanity and mercy) say to these things? Oh, Arthur Fletcher, I am *so* sorry you are a Know Nothing!"

"We will talk it all over, when I come over, some time; and then, perhaps, you will feel better about it," answered he, a smile coming over his features as he spoke.

"I may feel better satisfied with *your act* of joining them, after I have listened to your motives, your views of the matter, which I haven't the least doubt must be sincere and worthy. But I can never think any better of the *principles* of the organization than I do now, unless they essentially better themselves. Think how much fault all you Free-Soilers found with the platforms of the Whig and Democratic parties, before the last Presidential election. Think what a hue and cry you raised (and I, for one, didn't blame you) over the 'no-agitation' resolution! How much better, I would like to know, was the 'no-agitation' clause of the late National Council of Know Nothings?"

"See whether—wait a little, and see whether we all set our feet upon that platform of the National Council, as the Whigs and Democrats did upon those old Baltimore platforms."

"Mercy on Freedom, if you do; if you stay there until after the next President is chosen. She'll have no refuge, or resting-place, for her feet, neither in Kansas, nor anywhere, here in our *'land of the noble free.'* She'll have to take the underground railroad for the Canadas, as such numbers of her disciples and followers have done before her. I wonder if *this* wouldn't be a shame! I *do think*, sometimes, that it will come to this at last," she added, her face growing every moment sadder. "We've no reason to believe that our country is the pure, the perfect, the model nation, that is to live on, and on, without disorganization or decay. Do you think we have?"

"No, I do not, Mrs. Hadden." He shook his head, and looked as anxious as herself.

"No, for Freedom and Slavery are both here. Freedom, with a bright face, full of peaceful promise, tries to get an unjostled foothold. Slavery, scowling like a demon, as she is, hunts her, threatens her, lays traps for her feet, tries to drive her out of the land. I sometimes believe that she will do it, some day; and that it is in this way we are to fall. But, then, I shan't talk about this any more, this time; for it makes my heart sick with sorrow and fear for my country. I shall go now, for I suppose I've been here quite too long, already. Do you go out to the bow-window, where my plants are; there's a century plant there, more than a quarter of a century old. Go and see what a noble plant it is. If the lady in the dark-green silk is there, ask her about the plants. Ask her, in the blunt, odd way you have with all unmarried ladies everywhere."

"Is she an unmarried lady?"

"Yes; and is just about as odd as you are. Nobody suits her, nor does she, in fact, suit anybody, except those that are married, or irrevocably engaged. She likes them, and they her."

"How old is she?"

"Twenty-eight."

"Twenty-eight! And does she allow you to tell her age?"

"Yes, indeed, she's as queer in this as she is in everything else. She tells it herself, every chance she can get."

"She's a rarer thing than all your century plants, then. Tell me who she is; I shall feel more like attacking her."

"She is my only sister."

"Your sister, is she?" his face flushing a little, "and so queer?—how happens it?"

"She was always so, from a child. Good, she was; but shy, in general, for all she was so communicative with those she loved. She was very homely, as a child, and so ashamed of it that she was ready to go down into the mud-puddles, where the frogs were. I can remember her saying so, one spring day, when we were out walking, and talking about it. She's over it now."

"Over the ugliness, do you mean, or the shame?"

"Over both. Or, so I think. She don't think she's over the ugliness, but she says she has no desire to be. There's my husband, stretching his neck to find me. There's Ada; she's looking after me. I suppose 'tis somewhere in the neighborhood of supper-time. Good bye."

CHAPTER VIII.

"Mrs. Hadden sent me out here to see her famous century plant," said Fletcher, close to Julia's shoulder, but with his eyes peering sedulously among the roses, geraniums, verbenas, heliotropes, and the like beautiful flower-gentry. Where is it, madam?" still without looking at Julia, still peering assiduously, "can you tell me where it is?"

Julia looked first at him, to see what sort of a person it was, with the unknown voice; the rather blunt and off-hand, but withal, mellow, pleasant voice. She saw a tall, broad, portly man, with light in his face, and, as it were, all about him. She wondered who he was, until she recollected about the "Stone Factory," and other works, having been built there at F——, since she went away; and about agent, overseers, and other families, having moved in on account of it; then she fancied that this was the agent. She remembered Mrs. Hadden's mentioning him and his family in one of her letters, as "an acquisition." So there, in that handsome form and the face of light, (she looked at him again at this stage of her reflections,) was, no doubt, her sister's "acquisition," Mr. Merry. She was stooping a little, by the way, examining the plant to which she had brought him.

"So this is the be-praised century-plant," said he, drawing himself up, and facing Julia. "Be-praised because it flowers so rarely. Excellent gratitude to the rest of the plants here, that blossom continually; don't you think so?"

Julia smiled to see the curl of his full and handsome lip, as she answered—"you don't understand about it, perhaps. One must see that the century-plant is a grand thing, in its way. I like its slow, iron-like growth; the even face with which it goes on through whole generations, to blossom by-and-by—by-and-by, when the plants and people that surrounded it once, have run their short, irregular race, and are gone. As for these plants that blossom so early and so often," she added, after a pause, her eyes still on the beautiful array of bright flowers and dark-green leaves, "one must love them, and feel grateful to them, if one does not open one's mouth to say a word."

"Perhaps so. I have no doubt, in fact, that our hostess, yourself, and the admirers of flowers, in general, have a liking for these unpretending little things. But, after all, when it comes to the high qualities of admiration, and almost worship, you bend yourselves down to the stiff, thorny, and, to my mind, senseless, icy plant, that, for all your homage, makes you not the slightest returns; only, very graciously, very benignly, blossoming when it is well ready—that is, at the end of a hundred years. I've seen a few men in my life, like your famous century plant. Prof. Nutting, of Cambridge, is one; and his wife—all the women, in fact—think that he is a god. I hope *you* have one of these men for your husband. He'll smile once a year, and you'll think this blessing enough. It will be sunshine enough for all the rest of the year. For the rest, you'll be gloriously satisfied to see him wrapped imperviously in his own concentrated individuality, going forward and carrying his works, his studies, and all his expressions and developments, with him, to the next generations; to be seen, felt, and appreciated then, when he, poor man! when you, poor woman! are lying side by side in the dust."

Julia laughed a little, but with tears in her eyes. "You must think, though, as I do," said she, "that it is grand doing *something* with one's might, if it is nearly all for the generations to come. There are so many of us who go through life smiling this way, smiling that, saying senseless, unmeaning things to this one, and to that one, who just smile and say unmeaning, worthless things back again. Just eating, drinking, smiling, and saying worthless things, all through this life on earth! You must think, as I do, that this is miserable enough."

"Yes, indeed! But I hope there is a possible 'golden mean' somewhere between Prof. Nutting, this century plant, your husband, and the mere chrysalis of the hour, that you have been supposing. They are all leaving us. Are they going to supper?"

Upon Julia's answering in the affirmative, he offered to attend her, adding, "I am Mrs. Hadden's friend, Fletcher; you, I believe, are her sister."

(Dr. W—— comes along the hall. I hear, or rather feel, the jar of his emphatic steps; every one of which is set down with "a period" at the close. He opens the door wide—sets it away back—that he may overlook well the whole room at the threshold, and afterwards pass in without obstruction.

"How are you—how do you do?" he asked, advancing.

"Nicely," I answer, without looking away from the point of my pen. "How do *you* do?"

"Nicely." He lisps and minces the word a little. He thinks it is a foolish, provoking word to hear spoken in answer to one's inquiries.

"Always scribbling; your pen going along the lines like a race-horse—how do you get along?"

"Nicely."

"Oh, hang it! Have done with that, or I will never come near you. How would you stand that?"

"Nicely, Dr. W——!"

"Yes! don't I remember your losing your appetite, and growing thin, and as pale as a ghost, poor child! once when you believed you had made me angry—so angry that I would never come near you again? Ah, I know you haven't forgotten that, whatever else you may have forgotten. See! look up; here are some flowers and sweet-scented leaves the girls broke off for you, as I was coming. Go and put them into some water, while I read what is up here on this page about 'Prof. Nutting, of Cambridge.' He and I were classmates, twenty years ago. He was the oddest fellow at Harvard. Never a word to say to anybody; he'd have gone through a difficult problem, or a difficult rendering, with a pack of bloodhounds yelping in his face and eyes. Well," he resumed, after he had read down to my parenthesis, "well, is this—this, Fletcher, it seems that his name is—is he your hero? Because, if he is, he ought to know that he's very narrow in his estimate of Prof. Nutting, and others like him. Nutting has grand pursuits, and they absorb him. He is vowed to them, as the bride is vowed to her husband. Here is something in one of Henry James's books. I borrowed it, and this morning I put it into my pocket to carry it home. Here it is; this is what I was thinking of. He says, 'But now observe that when I speak of the æsthetic man or artist'—Prof. Nutting is an artist, mind you, in Mr. James's sense—'I do not mean the man of any specific function, as the poet, painter, or musician. I mean the man, of whatsoever function, who, in fulfilling it, obeys his own inspiration or taste, uncontrolled either by his physical necessities, or his social obligations. He alone is the artist, whatever be his manifest vocation, whose action obeys his own internal taste or attraction, uncontrolled either by necessity or duty. The action may perfectly consist both with necessity and duty; that is to say, it may practically promote both his physical and social welfare; but these must not be its animating principles, or he sinks at once from the artist into the artisan. The artisan seeks to gain a livelihood, or secure an honorable name. He works for bread, or for fame, or for both together. The artist abhors these ends, and works only to show forth that immortal beauty whose presence constitutes his inmost soul. He is vowed to beauty as the bride is vowed to the husband, and beauty reveals herself to him, only as he is true to his inmost soul, only as he obeys his spontaneous taste or attraction.' Now, what I think is, that there are enough husbands who are following, helter-skelter, all sorts of outside forces, and will-o'-the-wisps. If there is here and there one who goes with dignity, wisdom, and unswerving purpose, straight forward in his pursuit, (whether this is what we are accustomed to call artistic, literary, professional, scientific, mechanical, or agricultural, or what not,) he's a true man, and his wife has reason to be proud of him. They say that when Prof. Nutting is in his studies, he don't known that he has wife, child, or home; don't know that the dinner hour will come, in its time, or that a joint must needs come beforehand. They say his wife has to see to him, and to everything. But she is a proud woman, among women; for his smiles and attentions, when they do come, are bright like the sun. They come straight out of his soul, you see, like all his action, all his expression. I wish that Julia of yours had refuted the man, with some such arguments as these. You don't speak, if I halt ever so long, at the end of my sentences. Is it because you mean I shall see just how garrulous I am, talking all day, and hindering you? Ah, it is! I know what the gathering color means. Don't deny it. Don't ever say a thing that is untrue, to save my neck. And, above all, don't do it to save me the reproof that I need. I never made such a long speech to you before, I believe; I never will again."

"Oh, I shall want you to!"

"You will? Good, then! I am glad you will *want* me to; but I never will. I'm gone now. Don't make this Fletcher of yours too excellent a hero. If I find that he is over my head in goodness and grace, I shall think as I read, 'Now, this is what *she* likes. This is the kind of man she brings out, when she has a hand in the affair. She would work me over after the same ideal, if she could find a single plastic quality in me.'")

THE ASSAULT UPON SENATOR SUMNER, A CRIME AGAINST THE PEOPLE.

SPEECH OF HON. JOHN A. BINGHAM,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

JULY 9, 1856.

Mr. BINGHAM. I cannot express my surprise at the remarks that have fallen from the gentleman from North Carolina. He seems to labor under the impression that the case before the House is but a simple case of assault and battery, within the jurisdiction of a justice's court, and involving at most a five-dollar penalty!

The gentleman, sir, by the temper and language of his remarks, seems to count the guarantees of the Constitution as but dust in the balance, when brought in conflict with his overhearing sectional prejudices.

Mr. CLINGMAN. Will the gentleman allow me to speak a single sentence? I wish to say that what I have said, if true, is what would be said of it at home. That is all.

Mr. BINGHAM. I trust, sir, that hereafter the gentleman may exemplify by his practice that rule of conduct which he prescribes to others, and which he thinks should be especially observed by the distinguished Senator from Massachusetts, Mr. SUMNER. I submit to the House, that it ill becomes the gentleman to read lectures of propriety here to others, and straightway himself indulge in the grossest and most wanton abuse of an absent man. I should like to know, sir, who constituted the gentleman censor upon the personal appearance, bearing, and courage, of the accomplished Senator from Massachusetts?

The gentleman seems equally at fault in his estimate of the great character of the Senator, [Mr. SUMNER,] and of the issues arising out of that assault upon him which is now the subject of inquiry before the House. He very broadly assumes that the people's representatives have no distinctive privileges as representatives of the people, except during the *actual* session of the House. Until the exigency of this case demanded it, who ever advanced such an opinion as that? The freedom of speech and the security of person are upon trial to-day. These great rights underlie and are essential to all representative government. Upon their maintenance depends the life of the State, and without their observance there can be no free Constitution and no free people. That the representative shall not be questioned elsewhere than in and by the body of which he is a member, for any speech or debate made in his official character, is a principle coeval with the English constitution, and recognised wherever the common law obtains as a rule of civil conduct.

The gentleman from North Carolina tells us that this privilege, as stated in our Constitution, is borrowed "literally from an English statute," and that the statute was only intended to protect members of Parliament from civil liability in courts of justice for words spoken in debate. Sir, the gentleman is somewhat at fault in his reading, touching the history of this great privilege.

Blackstone tells us that the privilege of the English Parliament was principally established in order to protect its members, not only from being molested by their fellow-subjects, but also from being oppressed by the power of the Crown. He enumerates the privilege of speech and of person as of the more notorious of these privileges.—(*Vol.* 1, *p.* 164.)

By the statute of 1 William and Mary, st. 2, chap. 2, the privilege of speech is declared to be "one of the liberties of the people;" and it is further provided, "that the freedom of speech, and debates, and proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament." And, sir, we are further told that this freedom of speech, as also the privilege of the person from arrest, are particularly demanded of the King in person by the Speaker of the House of Commons at the opening of every new Parliament, and that THESE IMMUNITIES are as ancient as Edward the Confessor. Sir, I venture the opinion, that to THESE IMMUNITIES of the English Commons, more than to any or all other causes combined, is attributable the proud fact in England's history, that her House of Commons, through centuries of conflict and trial, has stood forth the asylum of constitutional liberty, and firmly and defiantly maintained the rights of the people against the encroachments of tyranny, whether attempted under the rule of the Plantagenets, the Tudors, or the Stuarts.

This great privilege of the people, sir—the freedom of speech and debate in their legislative assemblies, and the absolute immunity of their representatives from outrage, or insult, or menace, in the exercise thereof—is a privilege as sacred and as clearly and solemnly established here in our own country as in England. Sir, it is this statute of 1st William and Mary that is incorporated in our Constitution, which provides that the Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.—(*Constitution of the United States, art.* 1, *sec.* 8.) Although our Constitution does not, in the words of the English statute, declare these privileges to be "of the liberties of the people," it has always been so understood; and Mr. Justice Story, in his Commentaries on the Constitution, 2d vol., 847, says of these rights and privileges of the members of each House, they "*are in truth* the rights and privileges of their constituents, and for their benefit and security."

Happily you, Mr. Speaker, have no occasion, upon the opening of Congress, like the Speaker of the British Commons, to make demand of a King that the people's representatives shall enjoy, unmolested and unquestioned, these great and essential rights of a free Commonwealth. These rights are declared by the Constitution; and, as a pledge for their observance, you demand and receive of every member of this House a solemn oath, by which he swears, in the presence of his Maker, "that he will support the Constitution of the United States"—that Constitution which provides that, during their attendance upon the session of Congress, not during its actual sittings merely, but during its *entire session*, and in going to and returning from the same, the Representatives and Senators "SHALL IN ALL CASES, EXCEPT TREASON, FELONY, AND BREACH OF THE PEACE," be exempt from arrest, even by the strong arm of the law; that they shall not be questioned in *any other place*, or by any other body than their respective Houses, for any speech or debate therein; and that "THE RIGHT OF THE PEOPLE," of all the people, whether Senator, Representative, or constituent, "TO BE SECURE IN THEIR PERSONS, SHALL NOT BE VIOLATED."—(*Constitution of United States, art.* 1, *sec.* 6, *and Amendments, art.* 4.)

That, sir, was the pledge which you demanded and received of every member of the House, his oath, his solemn oath, that he would not himself, nor should others, so far as he could prevent it, outrage or restrict by menace or violence these great rights of free speech and personal security. But, sir, these provisions of the Constitution, and this solemn oath which you have administered, are but a solemn mockery, if the freedom of speech and debate here or in the Senate Chamber are to be silenced by the bludgeon, and the offender to defy the power of this House and of the Senate to restrain or punish his atrocious crime.

Mr. Speaker, whenever or wherever, within the United States, any person assaults and beats any member of either House of Congress as a punishment for words spoken here in debate, such person by this lawless act clearly commits two distinct offences, and becomes liable to answer therefor to two distinct tribunals. First, the person thus offending is guilty of an assault and battery, for which he is liable to answer to the courts of justice; and second, he is guilty of a contempt of that House to which the member thus assaulted belongs, a crime against the liberty of the people, a violation of their great right of freedom of speech in the person of their representative, for which the offender must answer to the House whose member he has assailed; unless, indeed, the assailant be himself a member of either House; in which event, the House to which he belongs may punish the contempt and vindicate the violated majesty of the people. This crime against the people, as distinct from the crime against the person injured, is not cognizable or punishable, as our law now is, in any earthly tribunal but the House or Senate.

In the case before us, the Senate has declined to punish the guilty party, on account of his privilege as a member of this House; but the Senate has complained and reported to this House that the member from South Carolina has, in the Senate Chamber, assaulted and beaten the Hon. CHARLES SUMNER, a Senator from Massachusetts, and has thereby "committed a breach of the privileges of that body; and that the power to arrest, try, and punish him for this offence devolves on this House." That, sir, is the judgment of the Senate. This assault, therefore, upon the people's privilege—this crime which touches the nation's life—must be punished here, if anywhere. That the member is guilty of a crime against the people, as distinct from the crime against the person of the Senator from Massachusetts, will scarcely be questioned. Rawle, in his Commentary upon the Constitution, says:

> "It is a maxim in the practical application of government, that the public functionaries should be supported in the free exercise of the powers intrusted to them. Attempts to bribe or to *intimidate* them constitute *offences against the public.*"—(P. 45.)

And he adds, further, when speaking of the power of the House to punish for contempts of its authority, that it is "a summary jurisdiction for the punishment of *offences* substantially committed *against the people.*"—(*Rawle*, 44, 45.) But from the report of the minority, made in this case, followed up by the speech of the gentleman from North Carolina, I should not have supposed that any one would have doubted the power of this House to punish the member, by expulsion or imprisonment, for this crime upon the Constitution and the people. No one has ever doubted the power of the House to punish or expel its members for contempt, disorderly behaviour, or breach of its privileges, committed in the presence of the House, and during its session. The minority concede this, though their logic on the right of trial by jury would seem to exclude any such concession. The Constitution expressly provides that each House "*may* punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member."

Mr. Justice Story, commenting upon this clause of the Constitution, says "that this power in the House to punish and expel its members for *aggravated misconduct* was *indispensable*, not as a common, but as an ultimate, redress for the grievance."—(2 *Story's Commentaries on the Constitution*, 299, *secs.* 835, 836.) You rely upon no court or Executive to redress this grievance—this crime against the people. You rely solely upon Congress. The Constitution provides that for disorderly behaviour each House may punish or expel its members. We have sworn, sir, to support the Constitution in this behalf. Shall we fail to do it? Do you not call it disorderly behaviour, and a breach of the Constitution, for a member of this House to violate the freedom of debate—to insult the majesty of the people, and desecrate the Hall of the Senate by a violent assault upon a public representative? What excuse or apology is there for this? If the Constitution may not restrain the member, nor his oath, nor the sacred right of person, from such violence and disorder, what can be done but expel him? Are we, sir, to wait till other members of this House, or the Senate, in a like lawless manner, are beaten and disabled, and the power of the people overturned? Is any man to be allowed, on any pretext, to beat American representatives, in the very forum of the people, at his pleasure? Is any member of this House to do this, and avoid responsibility to this House, and escape expulsion, on the ground that the House was not actually in session at the time?

Speaking of the expulsion clause of the Constitution, the minority, strangely enough, after what they have said of the despotism of a legislative body which *adjudges* and *executes*, as well as *enacts*, laws, say that, "Taking the whole paragraph in its connected sense, it seems to us that it has reference to the House while in session in the actual discharge of its constitutional duties"—and pray, sirs, who shall judge whether it is in the actual discharge of its *constitutional* duties? Shall any member who chooses to arm himself with a bludgeon constitute himself the judge, and immediately upon adjournment, or an hour after the adjournment, authoritatively determine that a member in debate was not in the actual discharge of his constitutional duty, and proceed, in defiance of the House, to punish the offending member accordingly? So the minority manifestly conclude, and hence their novel and startling announcement:

> "We entertain no doubt that the whole of this provision looks to the session of the House, and to punishing its members for such disorderly conduct as would interrupt its session. Extend it beyond the *presence* of the session of the House, and it becomes an unlimited power, operating not only during the session of Congress, but during the recess."

The minority are not content with a literal denial of this power of Congress to expel or punish its members for disorderly behaviour or breach of its privileges, or for infamous crimes committed when the House is not *actually* in session, but they are equally swift to limit and restrict the constitutional exemption of Senators and Representatives from question elsewhere for any speech or debate in either House. Of this exemption the minority say:

> "This provision of the Constitution was evidently intended to protect members from such *legal* liability as they might incur for words spoken in debate in their respective Houses. It can hardly be supposed that the Constitution was providing against a mode of questioning, which, in itself, even without such provision, would have been not only unauthorized by law, but in *direct violation* of the *criminal law* of the land."

And the minority say, further:

> "If members of Congress seek this shield and protection which the Constitution gives them, it is an onerous condition imposed upon them, that their speech shall be *proper* and *legitimate*, in the discharge of their constitutional duty."—(P. 16.)

In connection with this strange declaration, the minority tell us, "we recognise no privileged class." In short, they deny the privileges of the people, in order to justify their construction of the Constitution.

By the construction of the minority, the 5th and 6th sections, 1st article, of the Constitution, are interpolated, so as to read thus: "Each House may punish, or by a vote of two-thirds *expel*, a member for disorderly behaviour committed while the House is *in session*, and in the actual discharge of its *constitutional* duties;" and "The Senators and Representatives, for *any proper and legitimate* speech or debate, in either House, shall not be *legally* questioned in any other place for the liability *thus* incurred; but neither House may punish nor interfere with any member or person for *illegally* questioning, when neither House is *actually sitting*, any Senator or Representative for any speech or debate—provided that the *questioning* shall be in direct violation of the criminal law of the land."

In other words, by this new version of the Constitution, this House is powerless to punish any of its members who may choose, within an hour after the close of its session of each day, to question fellow-members for words uttered in debate, by waylaying him, and clubbing him until he is literally senseless and drenched in blood. And, sir, if to-day this may be done by a member, and he shall be at large upon his recognizance entered into before a committing magistrate, he may select other members of the House as victims for his vengeance an hour after adjournment to-morrow, and so on each successive day, until he demonstrates the fact—the mournful, humiliating fact—that the people's constitutional privilege of immunity from question in the person of their representatives for *any* speech or debate, in either House, is a mockery and a dream; that they have no higher security against the assaults of whoever chooses, after adjournment, to arm himself with a bludgeon for the punishment of the freedom of speech, than the $500 bond required by a justice of the peace. We are not, sir, reduced to any such extremity. Every Representative is covered by the shield of the Constitution from question elsewhere than in and by the House, for any speech or debate therein. I cannot assent to the minority's proposition, as also the proposition of the gentleman from North Carolina, that a questioning during *recess*, by any mode of violence, cannot be punished by the House, and is not provided against by the Constitution.

Sir, neither the heart nor the understanding of the American people will assent to a proposition so monstrous and absurd. I array against it the usage and practice of our own and all free Governments, the opinions of jurists, and the decisions of our highest judicial tribunal.

The practice and usage. In 1797, William Blount, a United States Senator, was expelled from that body by the vote of every Senator, save one. His offence was an attempt to seduce from his duty an American agent among the Indians, and to alienate the confidence of the Indians from the public authorities of the United States. Justice Story says of this case, (2 Commentaries on the Constitution, 299:)

> "It was not a statutable offence; nor was it committed in his *official* character; nor was it committed *during the session* of Congress; nor at the seat of Government." * * "It seems, therefore to be settled by the Senate, upon full deliberation, that expulsion may be for *any* misdemeanor which, *though not punishable by any statute*, is inconsistent with the trust and duty of a Senator."

In 1808, the Senate moved for the expulsion of John Smith, (a Senator,) for his participation in the supposed treasonable conspiracy of Burr. This motion of expulsion failed only by one vote of receiving the sanction of two-thirds of the Senate, as required by the Constitution, for expulsion. And of this case Justice Story says:

> "The precise ground of the failure of the motion does not appear; but it may be gathered from the arguments of counsel, that it did not turn upon any doubt that the power of the Senate extended to cases of misdemeanor not done in the presence or view of the body."—*Ibid.*, 300.

And, commenting further upon these cases, that learned Justice says:

> "The power to expel a member is not, in the British House of Commons, confined to offences committed by the party as a member, or during the session of Parliament; but it extends to *all cases* where the offence is such as, in the judgment of the House, unfits him for parliamentary duties."—*Ibid.*, 300, 301.

In 1796, Gunn and Frelinghuysen being Senators, the first having sent—the second having borne—a challenge to Baldwin, a member of this House, for a cause not connected with his official duty, were, upon the report of Mr. Madison, held guilty of violating the privileges of this House, and required to answer to the House for the same. In 1795, Robert Randall *attempted* to corrupt a member of this House, for which he was imprisoned.—(2 *Story's Commentaries on the Constitution*, 312.) In 1800, William Duane, for printing a libel against the Senate, was held guilty of a contempt, and by the order of the Senate imprisoned.—(*Ibid.*, 314.) Blackstone (vol. I, 165) says:

> "To assault, by violence, a member of either House is a high contempt of Parliament, and *there* punished with the utmost severity. The assault is also punishable in the courts of law, by statutes of 5 Henry IV, and 11 Henry VI."

Justice Story, after asserting this power to punish contempts to be fully vested in the Congress of the United States, well remarks:

> "Nor is this power to be received in an unfavorable light. It is a privilege, not of the members of either House, but, like all other privileges of Congress, mainly intended as a privilege of the people, and for their benefit."—(2 *Story's Commentaries on the Constitution*, 307.)

Jefferson, in his Manual, section third, enumerates the powers and privileges of Congress over their members, and says that "no further law is necessary, the Constitution being the law." Rawle, in his work on the Constitution, says:

> "Expulsion may, however, be founded on criminal conduct committed in *any place*, and either before or after conviction in a court of law."—(*Pp.* 43, 44, 45.)

He notices and answers the objection urged here, that this power impairs the right of trial by jury. If this objection be well taken, what becomes of the express power given to the Senate in cases of impeachment, wherein no trial by jury takes place? Mr. Chancellor Kent, whose luminous intellect has shed a clear and brilliant light over the jurisprudence of his country, holds that this power of the House to punish its own members and others, for contempt, rests upon the great principle of self-preservation.—(1 *Kent's Commentaries*, 236.) He considers that the decision of the Supreme Court of the United States, in the case of Anderson *vs.* Dunn, (6 Wheaton, 204, 231,) by its reasoning, as well as its absolute authority, places the power of Congress to punish contempts and breaches of its privileges on the most solid foundation. I briefly notice that case. Anderson was not a member of the House, but attempted to bribe a member, for which the House, by its Sergeant-at-arms, arrested him; and for this arrest Anderson brought his action for false imprisonment. The court say, in the very able opinion delivered in the case by Mr. Justice Johnson:

> "It is certainly true that there is no power given by the Constitution to either House to punish for contempts, except when committed by their own members. Nor does the judicial or criminal power given to the United States, in any part, expressly extend to the infliction of punishment for contempts of either House, or any co-ordinate branch of the Government. Shall we, therefore, decide that no such power exists?"

The court fully sustain the power of the House, and answer every objection urged here to-day by the minority, and by the gentleman from North Carolina, [Mr. CLINGMAN.] The court further say:

> "The idea is utopian, that government can exist without leaving the exercise of *discretion* somewhere. Public security against the abuse of such discretion must rest on responsibility, and stated appeals to the public approbation. Where all power is derived from the people, and public functionaries, at short intervals, deposit it at the feet of the people, to be resumed again only at their will, individual fears may be alarmed by the MONSTERS OF IMAGINATION, but individual liberty can be in little danger." * * "The science of government is the most abstruse of all sciences, if, indeed, that can be called a science which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the State as they arise. It is the science of experiment." * * "The public functionaries must be left free to exercise the powers which the people have intrusted to them."
>
> "That a deliberative assembly, clothed with the majesty of the people, and charged with the care of all that is dear to them, composed of the most distinguished citizens, selected and drawn together from every quarter of a great nation, whose deliberations are required by the public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire—that such an assembly should not possess the power to suppress rudeness, or to repel insult, is a supposition too wild to be suggested. And accordingly, to avoid the pressure of these considerations, it has been urged, that the right of the respective Houses to exclude from their presence, and their absolute control within their own walls, convey with them the right to punish contempts committed in their presence."

The court then say that this concession of the power *within their walls* "relinquishes the great grounds of the argument, to wit: the want of an express grant, and the unrestricted and undefined nature of the power here set up. For why should the House be at liberty to exercise an ungranted and unlimited, and undefined power, within their walls, any more than without them?"

The court finally say, upon the question raised of restricting the jurisdiction of the House for the punishment of contempts to the District of Columbia, that there is no reason for such restriction; and the court add:

> "We know no bounds that can be prescribed to its range, but those of the United States. And why should it be restricted to other boundaries? Such are the limits of the legislating powers of that body; and the inhabitants of Louisiana or Maine may as probably charge them with bribery or corruption, or attempt by letter to induce the commission of either, as the inhabitants of any other section of the Union."

I conclude, sir, that there can be no question that this House has the power to punish and expel its members for breach of its privileges, for contempt of its authority, and for such high crimes and misdemeanors as are inconsistent with their public trust and duties as members, whether committed in the presence of the House, and during its actual session, or not. The opinions of jurists, and the decision of our highest court, which I have cited, most clearly establish this.

I consider that, beyond question, the act committed by the member from South Carolina [Mr. BROOKS] is a contempt of this House, a violation of his duty as a member thereof, and a high crime against the people and their right of representation.

We have seen, sir, that a Senator, for an act inconsistent with his duty as Senator, but not committed against any member of that body nor during its session, nor in its presence, was expelled; that Duane, not a member, was imprisoned for printing a libel—an offence not committed in the Senate, nor to the disturbance of its proceedings, and for which the offender was liable to indictment and punishment in the courts; and that Randall, not a member, was imprisoned by this House for a secret attempt to bribe one of its members. In administering justice here, I will "recognise no privileged class." If Blount could be lawfully expelled, and Duane and Randall lawfully imprisoned, I insist that, for a like offence, the member from South Carolina may, and should, be dealt with in like manner. History, sir, the great avenger of wrong, has recorded this crime upon the people's life, and stands ready to record its dread condemnation against this House, if it refuse to inflict the punishment which that crime deserves. Consider the subject of this offence, the alleged provocation, the method, the place, the avowed purpose, the approval, and the fit condemnation.

The brilliant and distinguished Senator from Massachusetts is the subject of this assault—that Senator who, notwithstanding the attempt of the gentleman from North Carolina [Mr. CLINGMAN] to defame him, holds now, and will hold, a large place in the affection and admiration of his countrymen. That Senator, sir, denounced the audacious crime which is being committed in Kansas. In his place as Senator, be made a powerful and convincing argument against the unparalleled conspiracy which is subjecting that young empire of the West to a cruel and relentless tyranny—a tyranny which inflicts death on citizens guilty of no offence against the laws; which sacks their towns and plunders and burns their habitations; which legalizes, throughout that vast extent of territory, chattel slavery, that crime of crimes—that sum of all villanies, which makes merchandise of immortality; and, like the curse of Kehama, smites the earth with barrenness—that crime which blasts the human intellect, and blights the human heart, and maddens the human brain, and crushes the human soul—that crime which puts out the light and hushes the sweet voices of home—shatters its altar and scatters darkness and desolation over its hearthstone—that crime which dooms men to live without knowledge, to toil without reward, to die without hope—that crime which sends little children to the shambles, and makes the mother forget her love for her child in the wild joy she feels that, through untimely death inflicted by her own hand, she has saved her offspring from this damning curse, and sent its infant spirit, free from this horrid taint, back to the God who gave it.

Against this infernal and atrocious tyranny, upheld and being accomplished through a stupendous conspiracy, the Senator from Massachusetts, faithful to his own convictions, faithful to the holy cause of Liberty, faithful to his country and his God, entered his protest, and uttered his manly and powerful denunciation. What was there in this to offend? Was it because he presented that terrible impeachment by the great Roman orator of the tyrant Verres as a fit denunciation of those new tyrants in Kansas, who but re-enact the brutal cruelties of Verres?

It is not claimed that the Senator uttered any word which he did not believe to be true; but it is said that, in his exposition of this wickedness, he denounced the act, the men, and the States, that aid and abet it, with an intemperate violence of language. He spoke with zeal, with knowledge, and power. This, sir, is the head and front of his offending. Is nothing to be pardoned to the spirit of Liberty? Is the great right of the People—freedom of debate in the Senate and House—to be restricted in its exercise to the notions of every man who chooses to constitute himself the judge of what may and may not rightfully be said? The fact, sir, that the Senate permitted the words to be used in its body, without objection, is conclusive evidence that it was the right of the Massachusetts Senator so to speak; nay, more, the Senate is the only and final arbiter of what may THERE be rightfully said in debate. That, sir, is the necessary sequence from the constitutional provision that each House may make rules for its own government, and no member of either House shall, for any speech or debate, be questioned in any other place. For his speech, under the Constitution, therefore, no earthly power had the legal right to question the Senator but the Senate of the United States. I dismiss this inquiry as to the provocation, with this additional word—that no man can rightfully find provocation for, and justification or excuse of, an assault upon the people's representatives, because of any speech or debate made by any member in either House. The doing of a lawful act, the exercise of a lawful right, or the discharge of a lawful duty, can never furnish apology or excuse for the commission of a crime.

Now, consider the place and method and avowed purpose of this assault. The perpetrator of this act says his object was to punish the Senator for words spoken in debate in the Senate—and thus confesses his crime against the people. Every personal consideration, sir, sinks before the magnitude of this offence. A Senator of the United States, in the Senate Chamber, in the felt presence of the people, is struck down, and well nigh murdered, for words spoken in debate—and this, too, by a member of this House, who, like all of us, had sworn that he would support that Constitution which declares that the person of the Senator and citizen alike shall be inviolate, and that the Representatives of the People shall not, for *any* speech or debate in either House, be questioned by any other person or body whatever.

Sir, notwithstanding this oath, notwithstanding this constitutional inhibition of violence to the persons of all the citizens and their representatives, notwithstanding the sacred presence of the people in their own halls of legislation, the Senator's way of approach to the Capitol was beleaguered and watched; and while in his place in the Senate Chamber, armed with no weapon but his pen—that peaceful weapon of a Christian civilization—the member from South Carolina [Mr. BROOKS] deliberately, and with the advice of another member of the House, proceeds to the Hall of the Senate, and there, with a bludgeon, in utter disregard of the place, of the life of the Senator from Massachusetts, and of the sacred rights of the people, whose representative he was, inflicts upon that Senator repeated blows, staining the place with blood, and profaning it with crime. Why was that weapon selected? It is the rude weapon of a barbarous age. With what horrid sacrifice, on what dreadful altar, has it not been consecrated? What sacrilegious vow impelled its use in this great crime upon the people's life? Was it selected because it was the weapon first employed by man against his brother—the weapon by which that horrid crime was committed which first in "our world" covered one manly brow with the wan paleness and terrible beauty of death, and another with the damning blotch of fratricide? Whether by accident or design, the weapon is in character with the act! And the place! Was the Senate Chamber, selected in humble imitation of that audacity which induced Verres to select the forum of the people for his wanton and cruel assault upon a Roman citizen?

In this transaction, sir, what is wanting to make this atrocity the parallel in all respects of that atrocity of Verres, which subjected him to the burning invective of the great Roman orator? What is the offence of the Massachusetts Senator, that he, though an American citizen, whose person, by the Constitution is sacred, is subjected to this outrage and indignity? It is said of him, as was said by Verres, of the scourged Roman citizen, "He is sent *hither* a spy by the leaders of runaway slaves." That Senator, sir, comes from Massachusetts, where are Lexington, and Concord, and Bunker Hill, and the Rock of the Pilgrims—"where every sod's a soldier's sepulchre"—where are the footprints of the apostles and martyrs of Freedom—that State which allowed a trembling fugitive, fleeing only for his LIBERTY, to lay his weary limbs to rest upon Warren's grave—that State whose mighty heart throbbed with human sympathy for the flying bondman, who, guilty of no crime under the forms of law, but in violation of its free spirit, walked in chains beneath the shadow of Faneuil Hall, where linger the sacred memories of the past and the echoes of those burning words, DEATH OR DELIVERANCE. For this, that he represents this sentiment of Massachusetts—say the endorsers and approvers of this assault—let the Senator, though an American citizen, be scourged; for this, like Verres, they cry, Let him be beaten with rods in the forum of the people—let him suffer not only *in sight*, but in the very presence of his country, of liberty, and the laws, and let America see her son die by the miserable and painful punishment commonly inflicted on slaves.

While the Representative from South Carolina inflicts this punishment upon the Senator from Massachusetts in the temple of the Republic, an orator of South Carolina, in the Capitol of that State, is reported to have said, "that he considered the castigation applied at the right time, in the right place, on the right individual, by the right man, *and with the right instrument*—that instrument by which we chastise the objects of Senator Sumner's false-hearted benevolence and hypocritical humanity, when they become insolent."—(*South Carolina Times.*) All parties in South Carolina, it appears, are ready to approve this act—even the slaves come with their tribute of admiration. Speaking of this, the *South Carolinian*, published in Columbia, South Carolina, says:

> "To add the crowning glory to the good work, the slaves of Columbia have already a handsome subscription, and will present an appropriate token of their regard to him [Mr. BROOKS] who has made the first *practical* issue for their preservation and protection in their rights and enjoyments, as the happiest laborers on the face of the globe."

Commenting upon this, the *Charleston Mercury* (South Carolina) says:

> "Was the like of this ever before published in a newspaper in South Carolina? The negroes of Columbia have actually participated in the congratulations of Mr. BROOKS, and the *South Carolinian* lauds it as 'the crowning glory to the good work.' Now, these meetings in South Carolina, to sustain Mr. BROOKS, as counter to those at the North, are proper enough. But when, in the capital of the State, slaves are permitted, nay, applauded and urged, to take part in our political movements," * * * "it is a spectacle as disgusting as it is novel. We blush for the State where such things are permitted. If our slaves can publicly congratulate, *may* they not publicly condemn?"

Well considered; these slaves are the victims of oppression; the iron has entered their souls; and, IF PERMITTED TO EXPRESS THEIR OPINIONS, THEY MIGHT CONDEMN!

But, sir, South Carolina is not alone in this approval: Georgia, by her Senator, [Mr. TOOMBS,] approves; Illinois, by her Senator, [Mr. DOUGLAS,] approves; this city, by a part of her press, approves; and Virginia, by her press, approves. I quote from the *Washington Sentinel*, published here, of date 27th May last, the following:

> "If Massachusetts will not recall such a man; if the Senate will not eject him or control him; if the *man Senator* (SUMNER) will not hold himself responsible for such insults to his fellow Senators, what is to be done? Nothing in this world but to cowhide bad manners *out* of him, or good manners *into* him."

And from the *Richmond* (Va.) *Enquirer*, of 2d June, I quote the following:

> "In the main, the press of the South applauded the conduct of Mr. BROOKS, without condition or limitation. Our approbation, at least, is entire and unreserved. We consider the act good in conception, better in execution, and best of all in consequences. These vulgar Abolitionists in the Senate are getting above themselves. They have been humored until they forget their position. They have grown saucy, and dare to be impudent to gentlemen!" * * * "They must be lashed into submission; SUMNER, in particular, ought to have nine-and-thirty, early every morning."

There, sir, is the avowed purpose of this assault. Before the *fact*, the boast was, "We will subdue you;" after the fact, the arrogant avowal is, "We will lash you into submission." There are men who are not yet lashed into submission. I have no further word of comment. I leave this offensive avowal to that swift and overwhelming rebuke which it will receive at the hands of insulted freemen.

I have spoken, sir, strongly—but not more strongly than I feel—of this offence. While I disclaim any personal animosity or ill will towards the member from South Carolina [Mr. BROOKS;] while I scout with scorn that grim Pagan honor of the olden time, which "deemed vengeance duty, and forgiveness crime," I cannot evade the conclusion, if I would, that stern, irrevocable justice demands at our hands that the offender shall suffer the penalty which the Constitution affixes to his lawless act—expulsion from this House, whose privileges he has forfeited. That, sir, is my judgment; it could be no otherwise if the member from South Carolina were my brother. It is the first time, sir, in the history of our Government, that a member of this House has dared, in violation of his oath and of the Constitution, to insult the majesty of the people in the Senate Chamber, by there deliberately assaulting and beating a Senator for words spoken in debate. Let this offence be punished to the fullest extent of our power; and let such an enactment be passed without delay as will hereafter affix to this *audacious* crime such a penalty as will deter a repetition of the offence by any man for all time to come. Let it be provided, sir, by law, that whoever, at any time or place within the jurisdiction of the United States, shall assault, or aid or procure another to assault, any Senator or Representative of the United States, for words spoken in debate in either House, such person shall, upon conviction thereof, be imprisoned as a felon in the penitentiary. Let him be cut off, like other criminals, from the fellowship of freemen; let the anathema of an offended and outraged people fall upon him; let him be shut out from the comforts of home, from the sweet protection of the laws, and from that light in which we live.

Sir, I desire not so much that the member from South Carolina should suffer, as that others may learn obedience to the laws by his example. Let us in this emergency lift ourselves above all local prejudice, or mere personal considerations, and embrace within our vision our whole country. That country, sir, is something more than the narrow spot which immediately surrounds us; it is something more than that noble Commonwealth in which it pleased God to pour the first beam of light upon my understanding—where are the graves of my kindred and the home of my childhood. Our country embraces these, and more; it includes the East and the West, the North and the South, of this great Republic—this entire sisterhood of States—with the homes of all their living, and the graves, the sacred homes, of all their dead. These, these, make up our country—that brilliant heritage which God in his infinite goodness gave to our fathers, has transmitted to us, and will, we trust, transmit to our children—that land consecrate to Freedom and humanity—rich in a fertile soil, yielding in great abundance the productions of every zone, abounding in all useful and precious deposits, interspersed with mighty rivers, adorned with grand and lofty mountains, and washed by the waters of two great oceans. What would this vast heritage be, without free representative government, free speech, and free men? A world without a sun—a land of darkness, as darkness itself, whose very light would be darkness.

It is to our free Constitution that we are indebted, under God, for all that we are; and it is upon that, with His blessing, that we rely for all that we hope to be. Let us not forget the words of its immortal author, who now looks down upon us from these walls. "THE CONSTITUTION," says Washington, "IS SACREDLY OBLIGATORY UPON ALL;" and his other words of equal significance and import, "IT IS INDEED LITTLE ELSE THAN A NAME, WHERE THE GOVERNMENT IS TOO FEEBLE" * * * "TO MAINTAIN ALL IN THE SECURE AND TRANQUIL ENJOYMENT OF THE RIGHTS OF PERSON."

The Constitution has guarantied these rights of person; it provides that the freedom of speech and the security of person shall be inviolate, and, to this end, that justice shall be established. This great sentiment, dear to freemen, and formidable to tyrants only—LIBERTY TO ALL, AND JUSTICE TO ALL—is the spirit which informs the Constitution and makes up its life. Let the Constitution be held inviolate, and let its great purposes be realized. That sacred instrument was formed and fashioned by those men of old, whom God taught to build for glory and for beauty; at their word, it sprang like a new creation from the night of the Revolution, and the shattered fragments of the Confederation; they have finished their work, and gone down to their rest, one by one, as stars go down in the quiet sky! For their sake, let the Constitution stand the monument of their wisdom, and the crowning glory of their lives; let the Constitution stand for the sake of the millions who enjoy its blessings, and are sheltered by its power; let the Constitution stand for the sake of the sons of Liberty in all lands, who utter prayers daily for its preservation, and flee to it for protection; and, oh! let the Constitution stand for the sake of those who are to come after us—for the sake of our children, and our children's children.

If the greatest of all earthly calamities must come upon us; if that Constitution which our fathers gave us must perish, and be forever lost to human vision, amid the thick darkness which broods over the awful gulf of national disunion and national death, God grant that this sacred charter of Freedom may fall at last, if fall it must, amid the wild battle-cry in which it had its origin—LIBERTY AND JUSTICE, THE NOBLEST RIGHT, THE STERNEST DUTY, OF MEN AND NATIONS.

WASHINGTON, D. C.

Office, No. 501 Seventh street, between D and E, one square south of City Post Office.

THURSDAY, JULY 17, 1856.

☞ It is hard to edit a paper in these exciting times, with so many demands upon its columns. Congressional matter this week crowds us uncomfortably. The proceedings the last week have been unusually interesting. The two speeches we publish, Mr. Bingham's on the Brooks case, and Mr. Seward's on the Toombs Bill, will be read with great interest. They are very able and eloquent.

Meantime, we are obliged to omit other matters, among them a record of political movements, all looking to the triumph of the People's Ticket next November.

STOP THAT BALL.

A paragraph is appearing in a good many Buchanan papers, credited to the *National Era*, in which a calculation is gone into to show how many Northern States are to go for Buchanan. The *National Era* never contained any such paragraph. Neither the editor nor any of his correspondents ever made any such calculation. So far from it, we think Fremont's chances are good for carrying all the free States except California.

COL. FREMONT'S LETTER OF ACCEPTANCE.

Colonel Fremont's Letter of Acceptance, (printed on our fourth page,) is discreet, liberal, and national, disappointing the politicians, who had expected from him an expression of sentiment crude, narrow, and sectional.

He accepts the declaration of principles of the Philadelphia Convention, as expressing sentiments in which he has been educated, and which "have been ripened into convictions by personal observation and experience." Unlike Mr. Buchanan, he does not dispense with his identity, and say that he is but the representative of the platform, but, reserving his own individuality, he claims that the platform embodies his own settled convictions.

After this general statement, he singles out two questions of more immediate interest, on which he desires to announce his emphatic concurrence with the Convention—that which regards foreign affairs, and that which relates to the conflict between Freedom and Slavery in Kansas. "The assumption that we have the right to take from another nation its domains, because we want them, is an abandonment of the honest character which our country has acquired. To provoke hostilities by unjust assumptions, would be to sacrifice the peace and character of the country, when all its interests might be more certainly secured, and its objects attained, by just and healing counsels, involving no loss of reputation."

This is a common sense view, and must command the approbation of Americans who desire to see the honor of the country untarnished, and peaceful relations with foreign nations maintained; but it is not in harmony with the principles set forth in the Ostend Manifesto, to which Mr. Buchanan subscribed his name, October 18, 1854. Mr. Buchanan, under Mr. Polk's Administration, had offered two hundred millions for Cuba. In the Ostend Manifesto, addressed to the President by Ministers Buchanan, Mason, and Soulé, it was recommended that another offer of a similar kind be made to Spain; but, "if Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor," (such was their language,) "should refuse to sell Cuba to the United States, what ought to be the course of the American Government under such circumstances?" Mr. Buchanan and his associates answer as follows:

"Self-preservation is the first law of nature with States as well as with individuals. All nations have at different periods acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland, and other similar cases which history records, yet the principle itself, though often abused, has always been recognised. The United States has never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desire to blend their destinies with our own. Even our acquisitions from Mexico are no exception to the rule, because, although we might have claimed them by the right of conquest, in a just war, yet we purchased them for what was then considered by both parties a full and ample equivalent. Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect. While pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power. And this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized, and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union. We fear that the course and current of events are rapidly tending toward such a catastrophe."

Now, nobody can believe that a public man, who, under such circumstances, could utter such sentiments, and counsel this extreme measure, can be safely trusted with the absolute control of our foreign relations. Why is not Cuba to-day as desirable an acquisition to the Class Interest represented by Mr. Buchanan as it was in 1854? Was it more dangerous "to our internal peace and the existence of our cherished Union" in 1854, than it is in 1856? If the house was on fire then, it is still in flames. No change has occurred in the condition or relations of Cuba. It is still under oppression. Our relations with it are still exposed to interruption. For wrongs done us, we still must still appeal to the Court of Madrid. There was no more danger of converting Cuba into another St. Domingo in 1854, than there is now. There was then no more serious purpose entertained of Africanizing the island than there is now. What is the inference? That Mr. Buchanan still holds the same views be proclaimed in the Ostend Manifesto—views so extreme and so glaringly inconsistent with International Morality, that even this Administration rejected them.

Remember this, and add to it the fact, that Mr. Buchanan uniformly repudiated the policy of resorting to arbitration for the adjustment of the Central American controversy—a policy which even this worrying, captious Administration has at last assented to—and then say, whether the country would feel its great commercial interests and its honor as safe in the hands of James Buchanan as in those of a man who, accepting the honorable protest of the Philadelphia Convention against the freebooter's argument of the Ostend Conference, justly remarks, "that to provoke hostilities by unjust assumptions, would be to sacrifice the peace and character of the country, when all its interests might be certainly secured and its objects attained by just and healing counsels, involving no loss of reputation."

The views presented by Colonel Fremont on the great Question of domestic concern are brief, but comprehensive. The original intention of the fathers of the Republic to limit and discourage Slavery is emphatically recognised, and the nature, power, and ulterior aims of the Slave Power are clearly pointed out. Without pledging himself to any particular line of policy on the questions generally in controversy between the Slave Power and its opponents, aware that his preliminary declaration of concurrence in the fundamental principles laid down by the Philadelphia Convention must satisfy all candid men, he does not hesitate to commit himself boldly to the policy of admitting Kansas as a free State into the Union with its Topeka Constitution, the only mode of adjusting the controversy immediately growing out of the repeal of the Missouri Compromise, which will fulfil the demands of good faith, and satisfy the North, without violating or impairing a single right of the South.

The tone of the letter is liberal and national, evincing a proper regard for the Federal Constitution, true devotion to the welfare of the whole country, independent of all merely sectional or class interests.

ABUSES OF PUBLIC PRINTING.

On the 9th instant, Mr. Johnson, from the Committee on Printing, reported in the Senate in favor of the motion to print 20,000 extra copies of the Kansas bill as passed, but adversely to the motion to print the amendments proposed and rejected. The report was adopted.

In the House, the same day, Mr. Cragin, from the Committee on Printing, reported a resolution to print 100,000 copies of the majority and minority reports of the Select Committee on the Sumner Assault. The motion, at the instance of Mr. Cobb, was amended so as to reduce the number to ten thousand, and passed.

The report of the House Committee, it will be observed, was much fairer than that of the Senate, one proposing to present both sides of a Question, the other, but one side. But, both reports were wrong in principle; the object of both being, we apprehend, to promote party interests. Why were twenty thousand copies of the bill of Mr. Toombs needed? It had been printed already for the use of the Senate. Sent to the House, the usual number for that body had been printed. It had appeared in the columns of the newspapers in Washington and other places, and the People had been apprised of its nature. All the publicity necessary to a thorough understanding of its provisions and intent had been secured. Why then this motion to print twenty thousand extra copies, if not for electioneering purposes, so that partisans in all quarters might, at the expense of the Government, be put in possession of an electioneering document, calculated, as it was supposed, to advance the interests of the Democratic Party?

On the other hand, what could be the object in printing 100,000 copies of the reports in the Sumner case? All the facts of the assault had been before the country for a month. The reports, with the evidence, had been printed in the newspapers. The Public and Congress are in possession of them. Why then a motion to print 100,000 extra copies? *Mr. Sumner's speech is a part of the evidence;* and the document therefore would constitute a capital electioneering document!

We do not say that all who voted in favor of the reports were controlled by such a consideration, but, we presume, the majority were; nor do we impute corrupt motives to this majority, for, both in the Senate and in the House, it is the easiest thing in the world to regard the public welfare as dependent upon the advancement of one's Party.

For one, however, we must protest against this practice of using the moneys of the Government for party purposes, however important they may be. There ought to be a thorough revision of the usage of printing extra editions of reports or papers submitted to Congress. As a general rule, nobody is the gainer by such extravagant outlays but the Public Printer. Enough extras should be printed, of documents of general importance, to secure publicity; but when we remember how eager the large Dailies of the country are to obtain and print such documents, from mere motives of self-interest, thereby spreading them before all newspaper readers, it will be apparent that but little is left for Congress to do.

SECTIONALISM is as much complained of as though it were first introduced into our national politics by the Republican party. This is not true. In the year 1828, Andrew Jackson, of Tennessee, was run for President, on the same ticket with John C. Calhoun, of South Carolina, for Vice President, and both were elected. John Quincy Adams, of Massachusetts, ran for President in opposition, on the same ticket with Richard Rush, of Pennsylvania. In 1824, very nearly the same thing was presented. John C. Calhoun was elected Vice President at the same time that the South had three prominent candidates running with him for President, viz: Andrew Jackson, of Tennessee, who received ninety-nine [illegible] electoral votes; William H. Crawford, of Georgia, who received forty-one votes; and Henry Clay, of Kentucky, who received thirty-seven votes. Every Northern State, at that election, which voted for Mr. Adams, voted also for Calhoun; while, at the South, the same States which voted for him, voted for Southern candidates for the Presidency.—*Philadelphia North American.*

The remarks of our cotemporary are in point; still it is well to look at facts as they are. The Republican ticket is not at all open to the charge of sectionalism, either as to its principles or *candidates*. Col. Fremont did reside in California a short time, and for a few days represented that State in the Senate—a State, by the way, as Pro-Slavery as Missouri is. But, he was born in the South, educated in the South, and has resided in the South for the greater part of his life. If such an adventuror, who has devoted so much of his life to explorations of the new world, belonging to the United States, can be said to have any other home than the whole country, that home has been in Washington, south of Mason and Dixon's line. What nonsense, then, to be talking about the sectionalism of our ticket! No—John C. Fremont is a Southern man, W. L. Dayton, a Northern man, and their only sectionalism is the belief, that Freedom is National.

JUDGE CRAWFORD AND HIS SENTENCE.

We print on our fourth page a brief report of the trial of Mr. Brooks for assault and battery, with the sentence of the Judge. The court-room was crowded. Senator Butler and other prominent gentlemen, friends of the defendant, were present, sustaining him by their sympathy. The evidence for the prosecution having been submitted, Mr. Brooks addressed the Court, defending and justifying the assault. As all the facts of the case were admitted, nothing was left to the jury, and the whole responsibility of doing justice devolved on the Judge, who, without one word on the merits or demerits of the case, without an intimation of dissent from the assumption of Mr. Brooks that a sufficient justification for the violation of law might be found in the outraged sensibilities of a gentleman, without a single expression of opinion implying that, in the judgment of the Court, the majesty of the law and the privilege of the Senate had been outraged, or freedom of debate called in question, or the obligations of humanity and chivalry violated by a murderous and unexpected attack on an unarmed, unwary man, simply sentenced Mr. Brooks to pay a fine of three hundred dollars!

We hope the *Tribune* and other papers addicted to railing against the People of Washington, will remember that Judge Crawford is from the free State of Pennsylvania, and holds his seat by Presidential appointment, not popular election. We say this to relieve innocent People of all responsibility for the monstrous decision in this case. The Judge would seem to consider the law of "outraged sensibilities" "higher" than the law he is sworn to administer; not that he refuses to administer the lower law, but his administration is in subordination to the "higher" and chivalric law. The sentence we regard as an encouragement to violence.

Perhaps, after all, the world is mad, and Judge Crawford the only sane man extant. Sovereign States had deemed the assault so extraordinary as to merit special notice; there had been legislative resolves condemning it as an atrocity; public meetings, at which staid, conscientious citizens, of high position, had spoken of it in terms of withering reprobation. There had been public demonstrations in other quarters applauding the act, as, although a violation of law, completely justified by the great provocation. There had been a report by the Senate, affirming it to be a breach of its privileges, with a complaint to the House of Representatives, inasmuch as the offender was a member of that body. An act thus recognised by Public Opinion in all quarters, and by official action, as one of extraordinary importance, is passed over by Judge Crawford without a word of comment, and punished by him, as if it were a mere ordinary street rencontre. Why, Mr. Brooks himself must feel humbled at the idea, that an act deemed by his friends so daring a violation of law, as to require the most extraordinary exertions to extenuate it, should be considered by Judge Crawford utterly insignificant.

Even the discreet *National Intelligencer*, with a reverence for Judges amounting almost to superstition, is constrained to utter its protest against the judgment of the Court, and in the following paragraph doubtless expresses the opinion of the great mass of our citizens of which it has so long been the exponent:

> "Touching the judgment of the Court, we are bound to say, that it has certainly fallen short of the public anticipation—not the anticipation, still less the wish, of partizans or zealots, but of the calm and judicious—men who are capable of respecting the wounded sensibilities of a high-spirited gentleman, not less than public decorum, and the dignity and immunity of the Senator and the Senate house."

GEORGE LAW is out in a strong letter against Fillmore and Buchanan, and in favor of Fremont. He regards the question whether the country shall be ruled by the slave oligarchy or not, as the great question of the canvass. Buchanan and Fillmore, he says, stand alike, both being committed body and soul to the oligarchy. Besides, both are rather ancient and obsolete; neither is identified with any great measure for the development of the power and resources of the country; neither possesses true American spirit. But, Fremont is in the prime of manhood, a genuine representative of American energy and spirit, has made his mark on our history, has done a great deal to open a new empire to American enterprise, and is committed against the rule of the slave oligarchy. True, the Republican Convention did not act quite so wisely as it might have done, in rejecting overtures for an arrangement with the American party, but he is not to be swerved from his course by that consideration. Fremont is the best representative of his principles and feelings, while Fillmore and Buchanan represent nothing but their masters, the slave oligarchy; he shall therefore support him.

The letter is a strong, manly one. The following is a specimen of its quality:

> "In reply, I beg to state to you that I deeply regret no more perfect union has been effected by those whose duty it was to have accomplished that object—to unite the whole elements of opposition to the present corrupt Administration, wielded as it is by the extreme slave oligarchy of the South. For the last three years, this same oligarchy has used the entire power and patronage of the General Government to crush out all independent action and honest representation on the part of the North; to purchase up Northern men who were willing to misrepresent their constituents from personal motives and for promises of favor from the present corrupt Administration.
>
> All good men who have the love of their country at heart, both in the North and in the South, should unite cordially in a common effort to destroy the viper that has coiled around the freedom and independence of the American people. Freedom of speech is prohibited in the halls of Congress; bowie-knives and revolvers are worn as daily appendages at the capital, as a means of assault and defence. The Senate declares itself not only powerless for punishment, but even palsied for protection. Its members look quietly on and see a member stricken down in the open day in the Senate Chamber, without even the common [illegible] humanity that would [illegible] effort of to save [illegible] exercised in a bar-room [illegible] man prostrated, without an opportunity of defending himself. Thus you see that those who represent their constituents honestly, and by unanswerable arguments, and who cannot be purchased by Executive favor, must be awed into silence by bowie-knifes, bludgeons, and revolvers. Such is the scheme of Government inaugurated under the Pierce dynasty, and fostered by the Southern sectional power that supports it. Upon this basis, and into the arms of this power, the nominee of the Cincinnati Convention surrenders himself before the country, without the slightest reservation or individual independence of his own. What has the country to expect if Mr. Buchanan succeeds? Nothing better than it has experienced under Mr. Pierce, and perhaps worse. One is an old man without independence of mind or energy of character, which the country is forewarned of by his declaration, that he is no longer James Buchanan, and has no views or opinions of his own, and is therefore the pliant instrument of the slave power that nominated him at Cincinnati, and must reflect their views only. It will be well for the American people to remember this when they cast their votes for Chief Magistrate in November next.
>
> "The other came into office, a man in the prime of life, without any such submission or pledges, backed up by almost the unanimous voice of the country in his election, and yet he was not three weeks in office before he surrendered himself to the same oligarchy that has wielded his power during his Administration, as absolutely as if he had no will or mind of his own, and had no responsibility to any section of the Union except to the 350,000 slaveholders of the South, who now control the Executive, the Judiciary, and the Senate. The only voice the free States have in the Federal Government is in the House of Representatives.
>
> "Is it not fair to expect, that if Mr. Buchanan should be elected, the evils that the country has experienced for the last three years will go on increasing during his Administration, until the Northern mind will submit no longer to be cheated, bullied, defied, and deprived of its just rights and fair representation in the Federal Government?
>
> "As one of the leading features of the coming Administration, Slavery is to be forced into Kansas. The rivers, the great highway of the nation through Missouri, a Slave State, are to be closed, as they are at present, to the Freemen of the North who desire to emigrate to that Territory. Those great thoroughfares which have heretofore been looked upon as the pride of the nation, and that steam has rendered so valuable for transportation of persons or property, must be closed to the Freemen of the North, or they must be subjected to examination, insult, loss of property, and turned back, unless they proclaim themselves in favor of the institution of Slavery in this Territory. Such means as these are made use of to force Slavery into Kansas. When free emigrants arrive there, after all these difficulties and delays have been surmounted, they must undergo another examination, and swear allegiance to the Government of the Slave Power organized in Kansas by the Missouri mob, or be deprived of the right of franchise and of holding office. This is the operation of squatter sovereignty, which deprives a man of his citizenship unless he swears fidelity to Slavery; and all this is to be carried out and put in execution by an armed force, furnished from Missouri, the adjoining slave State; and the Federal Government, with Federal troops in the Territory, will look on calmly, without interfering, so long as the Missouri mob succeeds to enforce Slavery upon Kansas; but if the men from the free States, who believe in Free Speech, Free Territory, Free Labor, Free Press, and Free Men, should be too numerous for the Slave Power, then the Federal troops, organized for this special purpose, under the command of a Southern favorite of a Southern Secessionist Secretary of War, are to interfere and decide the contest in favor of Slavery in Kansas. So much for the chances of Northern principles and Northern men in Kansas, and all that vast territory north of 36° 30°, secured to Freedom by solemn compact, in which the great minds of the country united to build up and preserve to Freedom, and which the pigmies and traitors, aided by this corrupt Administration, have attempted to pull down and destroy. Here is where General Pierce stands, and here is where James Buchanan stands, while asking for the support of the Freemen of the North."

MARTIN VAN BUREN has written a letter, in which, while expressing the opinion that the passage of the Kansas-Nebraska act was unwise, he assumes that the only remedy for the evils resulting, is its faithful execution—and announces that, inasmuch as Mr. Buchanan is pledged to its faithful execution, he intends cheerfully to support him as a candidate for the Presidency. Men as they advance in years are apt to grow wary, suspicious, and slow to believe; but the ex-President appears to be returning to the happy credulity of youth and inexperience. It is an amiable weakness, in which those who once accepted him as a guide and counsellor will heartily sympathize.

By the way, it is rather remarkable to see Benton and the Van Burens, who have been read out of the Democratic Party by the Southern Politicians, especially those of Virginia, and denounced as hypocrites, traitors, and incendiaries, in the field in support of the Presidential candidate of that Party, and the particular favorite of the Old Dominion! What does it mean? Do these venerable politicians understand Mr. Buchanan better than the *Richmond Enquirer* and its clique? As there is rather a dearth of talent just now in the Democracy of Virginia, it might be well to invite John Van Buren to canvass the State. He has had a varied experience with platforms, and can tell whether Mr. Buchanan has contrived to slip under him a few planks from the Buffalo platform, on which the venerable ex-President and his dutiful son stood a few years ago.

PROPOSED UNION OF THE REPUBLICANS AND AMERICANS.

New York, July 8.—The true friends of Fremont in all sections, feeling that his election is endangered by the intrigues on foot to defeat him, are consulting upon the expediency of calling a Convention which will bring the American and Republican parties together, for the purpose of selecting a Union candidate for the Vice Presidency, there being no doubt of Fremont's acceptability to both.

At a caucus of Fremont's friends in Congress, held in Washington, last night, it was thought best that Dayton and Johnston should both withdraw in favor of a candidate acceptable to all parties.

For the sake of some honest people who might be misled by such a report, we may as well say that the paragraphs above are entitled to no consideration. The ticket is not to be changed. The true friends of Fremont, in Congress and elsewhere, meditate no such child's play, and know of no intrigues on foot to defeat him that could be baffled by so absurd a movement. What is done is done. "Fremont and Dayton" is the People's ticket—if the People triumph, it will be under this flag. It is true that in one or two States the North Americans have run up the names of Fremont and Johnston, but if, as we believe, they hold the Question of Freedom to Kansas to be the overruling issue of this canvass, they will not, we are sure, persist in a course that may elect Mr. Buchanan, and will, beyond all doubt, overwhelm them with odium.

Suppose they persist, and Buchanan be elected, what will they have done? Fastened Slavery upon Kansas—perpetuated the power of the Slaveholding Oligarchy—earned curses from a disappointed People—subjected themselves to a crushing proscription, at the hands of an Administration, just like that they now intensely abhor. Let their candidate for the Vice Presidency generously withdraw—let them postpone their peculiar issue till the present canvass be over—let them unite cordially and unconditionally with the rest of their fellow-citizens, for the overthrow of this Administration, and the defeat of Mr. Buchanan, its legatee, and they will have the consolation of knowing that they have aided, effectually, in giving Freedom to Kansas, and Peace to the country, through a movement which, recognising no distinctions of Party, has not an element of proscription about it, and exacts from none of its supporters any sacrifice of principle.

Let us unite. When such men as Thomas F. Marshall, John Brough, and George Law, recognise boldly the necessity of rescuing the country from the counsels that have brought it to the brink of civil and foreign war, surely it is no time for those who have been hitherto regarded as sympathizing with movements for the overthrow of the Slave Power, to divide on minor questions, and put at hazard the interests of a great, national movement in behalf Freedom and Justice.

For the National Era.

THE PASS OF THE SIERRA.

All night above their rocky bed
  They saw the stars march slow;
The wild Sierra overhead,
  The desert's death below.

The Indian from his lodge of bark,
  The gray bear from his den,
Beyond their camp-fire's wall of dark,
  Glared on the mountain men.

Still upward turned, with anxious strain,
  Their leader's sleepless eye,
Where splinters of the mountain chain
  Stood black against the sky.

The night waned slow: at last, a glow,
  A gleam of sudden fire,
Shot up behind the walls of snow,
  And tipped each icy spire.

"Up, men!" he cried; "yon rocky comb,
  To-day, please God, we'll pass,
And look from Winter's frozen home
  On Summer's flowers and grass!"

They set their faces to the blast,
  They trod th' eternal snow,
And, faint, worn, bleeding, hailed at last
  The promised land below.

Behind, they saw the snow-cloud tossed
  By many an icy horn;
Before, warm valleys wood-embossed,
  And green with vines and corn.

They left the Winter at their backs,
  To flap his baffled wing,
And downward, with the cataracts,
  Leaped to the lap of Spring.

Strong leader of that mountain band!
  Another task remains,
To break from Slavery's desert land
  A path to Freedom's plains.

The winds are wild, the way is drear,
  Yet, flashing through the night,
Lo! icy ridge and rocky spear
  Blaze out in morning light!

Rise up, Fremont! and go before;
  The Hour must have its Man;
Put on the hunting-shirt once more,
  And lead in Freedom's van!

J. G. W.

THE TRIAL OF MR. HERBERT.

The trial of Mr. Herbert took place in this city last week. Mr. Brewer, of Maryland, was associated with Mr. Key, Prosecuting Attorney, in the prosecution, Joseph H. Bradley and Percy Walker, M. C., appeared for the defence.

The examination of witnesses having been closed, Mr. Brewer addressed the Court in a speech which was concluded on Saturday morning. He was followed by Mr. Walker, in a speech of two hours' length, and then by Mr. Bradley. Mr. Key closed the proceedings. What follows is copied from the *National Intelligencer:*

> "The ability of Mr. Key's effort, despite his admitted personal friendship for the prisoner, and the pain of his position thus arising, was such as to impose on the defence the necessity of framing a set of instructions from the Court to the Jury, which the Judge, without hesitation, accepted, and which we now append. These instructions, we have reason to believe, would not have passed without question by the District Attorney, had the hour not been so late, and his physical strength less exhausted than it was by the strenuousness of his exertions, the heat of the room, and the tedium of the long trial.
>
> "Instructions to the Jury.
>
> "1st. If a sudden affray arose between the accused and the deceased, and afterwards several other persons interfered to assist the deceased, and by these assailants the defendant was borne down and beaten, and had reason to believe that he was in imminent danger of great bodily harm, from which he could not safely escape, and, while in this position, fired the pistol by which the deceased was killed, it was, in judgment of law, a case of excusable homicide; and it is immaterial, in the absence of premeditation and malice, by whom the affray was commenced. And it is also not material that the accused might have escaped before the imminent peril came upon him, if, at the time the peril came, he had reason to believe himself in imminent peril of life, or of great bodily harm, and when he fired the pistol he could not safely escape.
>
> "2d. To have authorized Herbert to take the life of Keating, the necessity for so doing need not be *actual;* for if the circumstances were such as to impress his (Herbert's) mind with the reasonable belief that such necessity was impending, it is sufficient.
>
> "3d. If the jury believe, from the evidence, that, at the time the pistol was discharged, Herbert was being pressed by superior numbers, and was in danger of death, or of serious bodily harm, from which he could not safely escape, he was justified in taking life.
>
> "4th. If the jury entertain reasonable doubts as to any material fact necessary to make out the case for the Government, they must give the benefit to the defendant."

Judge Crawford is responsible, of course, for these instructions. If they be just, we know not what security any man has for his life. There must be a Principle in these instructions:—what is it? Simply this—if an assailant, in the progress of an affray, provoked by himself, finds himself in imminent danger of getting the worst of it seriously, owing to superior force, he is justified in killing the assailed party. Whether the superior force he found in the greater physical strength of the assailed, or the number of the persons assisting him, certainly has nothing to do with the Principle. Mr. Wilson, for example, meets Mr. Brooks on the avenue, insults and strikes him. The assailed clenches Mr. Wilson, and aided by one or two friends, bears him down, threatening him serious bodily harm. To prevent this, Mr. Wilson shoots Mr. Brooks, and kills him, and—Judge Crawford instructs the Jury that this is justifiable homicide! Now, suppose Mr. Brooks should be the more powerful man, and by his own superior physical force, without aid from friends, should overpower Mr. Wilson, and put him in great bodily peril, why would not Mr. Wilson be equally justified in shooting and killing him? It is the action of superior force, putting the assailant in peril, no matter on what that force depends, which justifies the homicide.

It comes to this, then, that Mr. Wilson, being the aggressor, assailing Mr. Brooks, and in the progress of the rencontre, getting the worst of it, may, for that reason, kill Mr. Brooks, and the Court will instruct the Jury to bring in a verdict of justifiable homicide.

If this be Law, then farewell to Order and Security—the reign of Violence is inaugurated.

We have read the Evidence in this case, and the Instructions, and our conclusion is, that Judge Crawford, in the eye of Justice, is a greater criminal than Mr. Herbert."

MORE NEWS FROM NICARAGUA.

The election in Nicaragua took place on the 24th ultimo. The official returns were not fully completed; but there was no doubt about Walker's election by an overwhelming majority. His army was receiving strong reinforcements, and now numbers 1,800 strong, with two artillery companies and five field-pieces. President Rivas, accompanied by his Secretaries of State and War and the Minister of Public Credit, had fled to Leon and Chinandega, and had taken an opposing attitude toward the Walker party. The *El Nicaraguense* attributes the movement to the fear of the external enemies of the State and of the approaching election. Walker had issued a decree, appointing Don Ferrar Provisional President until the election, and declaring all acts of Rivas after his desertion void, and cautioning the citizens to refuse obedience, as all such would be considered traitors to the country. Rivas and his Cabinet were at Leon at the latest dates, all American troops having left the place. He is charged with having invited enemies of the country to invade Nicaragua. The latest papers are to the 28th.

H. P. WHITNEY is our authorized canvassing agent for New York city and vicinity, and will receive and forward advertisements for the *Era* at our lowest rates.

Advertisements can be left at his office, No. 22 Spruce street.

NUMBER OF SLAVEHOLDERS.

The following table, compiled from the last Census, shows the number of Slaveholders in all the slaveholding States:

States.	Slaveholders in each.	White population.
Alabama	29,295	426,514
Arkansas	5,999	162,189
Dist. of Columbia	1,477	37,941
Delaware	809	71,169
Florida	3,520	47,203
Georgia	38,456	521,572
Kentucky	38,385	761,413
Louisiana	20,670	255,491
Maryland	16,040	417,913
Mississippi	23,116	295,718
Missouri	19,185	592,004
North Carolina	28,302	553,028
South Carolina	25,596	274,593
Tennessee	33,864	756,836
Texas	7,747	154,634
Virginia	55,063	894,800
Total	347,525	6,222,418

The relative number to the whole white population in each State is as follows, omitting mere fractions:

Delaware	1 in 90	Texas	1 in 20
Missouri	1 in 31	Virginia	1 in 16
Dist. of Col.	1 in 27	Alabama	1 in 16
Arkansas	1 in 27	Florida	1 in 13
Maryland	1 in 26	Georgia	1 in 13
Tennessee	1 in 22	Mississippi	1 in 13
Kentucky	1 in 20	Louisiana	1 in 12
N. Carolina	1 in 20	S. Carolina	1 in 10
In the whole			1 in 18

In 1850, the white male population of the Slave States, of twenty-one and upwards, must have been rather more than 800,000. Now, if we deduct from the whole number of Slaveholders some 47,000 minors and females, we shall have three hundred thousand adult male Slaveholders, who govern politically the five hundred thousand non-slaveholding voters of the slave States, as effectually as they govern personally the three and a half million of slaves. Nearly all the Representatives and Senators from the South are Slaveholders; they belong to and represent the Order of 300,000. How happens it that their 500,000 non-slaveholding neighbors send no Representatives and Senators? Ought they not to have a larger proportion than the 300,000? From the free States every interest is largely represented—the manufacturing, mercantile, commercial, farming, laboring. There are capitalists and working-men, farmers, mechanics, merchants, manufacturers, and professional men allied to one or more of these various interests, in Congress. But, from the South, this large class of white voters, constituting five hundred thousand out of the eight hundred thousand white male adult population, has no other representatives than are furnished by the Order of three hundred thousand, who possess, to a great extent, the capital, land, and labor, of the South.

Will the time ever come when the politically disfranchised white men of the slave States will make themselves felt as a political power? As it is, they are in bondage. If they entertain sentiments adverse to the Oligarchy that rules them, they must keep them to themselves. We all recollect with what fierceness a few gentlemen in Baltimore were lately denounced at a public meeting, called to pass sentence of condemnation upon them for selecting Mr. Blair, of Maryland, to represent them in an Anti-Nebraska Convention at Philadelphia. The case of Mr. Ray is another example in point—a school teacher, residing in Loudoun county, Virginia, who, for expressing his opposition in a debating society to the extension of Slavery, was admonished by the mob to leave the State. The venerable Bishop Meade, too, having addressed some encouraging words to a colored person to whom he was administering the rite of confirmation, was lately arraigned for that grave offence by a correspondent of one of the leading papers in Virginia, and a similar penalty was suggested!

The New York *Evening Post* alludes also to the case of John C. Underwood, a planter in Clarke county, Virginia, who attended the Republican Convention at Philadelphia, and made a speech there, quoting the sentiments of Jefferson in relation to Slavery, and protesting against its extension. Preparing to return to his home, he was advised of a public meeting in his county, called to denounce and proscribe him, and he received from his wife a letter, published in the *Post*, from which we quote the following extract:

"As far as we have learned, the excitement is at Markham Station, Piedmont, and Paris. —— told our friend they were watching at Piedmont on Saturday for your arrival; and he had no doubt, if you had come that day, so great was the fury, you would have met with personal violence. This friend said to me, 'If I could have been there, the man or men who offered Mr. Underwood personal violence would have felt a few of my heaviest blows.' Mr. —— and Mr. —— are the leaders at Piedmont; who at Paris, I do not know. At Markham Station, the leaders say they go for giving you notice, and a reasonable time to wind up your business and leave the State. I send this morning to Alexandria, to mail this letter at that place, and telegraph to you to remain in New York till you receive it. I know not what to advise. I am afraid the excitement will meet you, if you come. You know I am a Jackson, and I could not have Jackson blood in my veins, without resisting till the last drop is shed in defence of life and liberty; but I do not believe in courting mob law or martyrdom."

The *Post* remarks:

"The author of the foregoing letter, who is to share the persecution of her husband for opinion's sake, carries in her veins some of the best blood of Virginia. There is one district in the State which was represented in Congress for more than thirty years by members of her family; by Colonel George Jackson, her grandfather; by Edward B. Jackson, her father; and by John G. Jackson, her uncle, whose first wife was a sister of Mrs. Madison, and whose second wife and widow, now residing in Virginia, was the only daughter of Return J. Meigs, formerly Postmaster General, and also Governor of the State of Ohio."

The most flagrant instance of proscription we have yet heard of is announced by the following telegraphic despatch from Chicago:

"*Chicago, June* 30.—A Methodist Conference, which assembled at Rochester, Andrew county, Missouri, on the 14th instant, received orders from a number of Pro-Slavery men, to adjourn immediately, and leave the State. Not complying with the order, a mob assembled, entered the church, and took the presiding officer, and tarred and feathered him. An old man, who attempted to prevent the outrage, was shot."

The Conference spoken of was probably a Quarterly Conference, and the person tarred and feathered, the Presiding Elder. The offence was, simply the adhesion of the Methodists in Missouri to the Methodist Episcopal Church North, of which the old Baltimore Conference, comprehending the District of Columbia, a large portion of Maryland and Virginia, is a constituent portion. The Order in Missouri, under the lead of ex-Senator Atchison and the oppressors of Kansas, has determined to root out all such Methodists from that State, so as to coerce absolute conformity in all points to their doctrine and policy.

We do not say that every individual who belongs to this Oligarchy of three hundred thousand is a tyrant at heart—far from it; many belonging to it feel that their own liberty is impaired—what we do say is, that the Class or Order, as a unit, is an Oppressor, an enemy of Liberty, the natural liberty of the black man, the political liberty of the white man—a Despotism as inexorable as that of Austria, and sustaining its power by the same intolerable methods, as mark the rule of that leaden Absolutism.

This is the Power that has laid its hands upon the Federal Government, and now wields it for its own aggrandizement. If we elect Fremont and Dayton, in other words, instal a Republican Administration, we break down that Despotism, and not only relieve the Union from its crushing tyranny, but give to the white men in slave States who are overawed by its power, an opportunity to assert the political rights of citizens.

KANSAS.

On the 4th of July, a Convention of the Free State men of Kansas was held at Topeka, the same day the Legislature under the Free State Constitution assembled there. Marshal Donaldson's proclamation to disperse was unheeded, but it was resolved that no resistance be offered to United States troops.

Colonel Sumner, acting under orders from the Administration, marched into Topeka at the head of five companies of dragoons. He told the citizens that he would not interfere with the Convention, but he had orders to break up the Legislature, and he would do it.

"Sumner then repaired to the Hall of Representatives, and informed the members that he had orders to disperse them. He said: 'I am called upon to perform the most painful duty of my life. Under the authority of the President, I am here to disperse this Legislature. In accordance with my orders, I command you to disperse. God knows I have no party feelings in the matter, and will have none, while I hold my present position in Kansas. I have just returned from the border, where I have been sending home the Missourians, and I am now here with instructions to disperse this Legislature. I again command you to disperse.'

"Judge Schuyler asked if they were to understand that they were to be driven out at the point of the bayonet? Colonel Sumner replied, 'I will use the whole force under my command to enforce my orders.' The House then dispersed. A similar scene was enacted in the Senate, which also dispersed."

The blockade by the Border Ruffians is kept up along the Missouri highways. The *Weston* (Mo.) *Reporter* and the *Jefferson* (Mo.) *Inquirer*, Benton papers, denounce it as an outrage on the rights of emigrants, and an injury to the interests of the State.

Emigrants from the free States are generally taking the Iowa route, the facilities of which are daily increasing.

A doubtful report has reached some of the newspapers, that Col. Lane, with his company of emigrants, had been turned back; but a dispatch in the St. Louis *Republican* announces that he had safely reached Kansas.

The *National Intelligencer* says:

"A Southern correspondent requests us to state that several companies of Southern men have been refused admission into Kansas by Col. Sumner, and that this is the cause why Southern men have disarmed and refused the landing of Northerners into that Territory."

Not a single paper, not even of the Border Ruffian stripe, contains the news. The "Southern correspondent" should be more precise. The presumption is that he refers to Buford's and Jackson's armed bands, which being found in arms against the settlers, setting all law at defiance, were driven out of the Territory.

"A Kansas Aid Convention met at Buffalo on Thursday, the object of which is to secure, as far as possible, unity and efficiency of action throughout the country, in behalf of Freedom for Kansas. The following are among the resolutions adopted:

"*Resolved*, That we will proceed to appoint a National Kansas Committee of wise and upright men, to whose discretion the whole conduct of our sacred cause shall be intrusted; that said committee shall be composed of one person from each State, so far as there are States in which a suitable person can be found; and that five additional members shall be put upon the committee, who are to reside in the city of Chicago, and that three shall constitute a quorum, and Chicago be the usual place of meeting of the committee.

"*Resolved*, That, by all that is precious and urgent in the claims of Kansas and Liberty, we call on the friends of justice and humanity to organize forthwith State, county, town, and township organizations, for the purpose of obtaining monthly subscriptions of money to enable the National Committee to bring to a speedy and successful close the great work which we shall commit to its hands.

"*Resolved*, That the Convention recommend to all emigrants to Kansas to travel through the State of Iowa, and that Congress be urgently requested to establish a daily mail from Topeka, via Nebraska, to Iowa city, and also a daily mail, via Nebraska, to Mount Pleasant and Burlington, Iowa."

PRESTON S. BROOKS—BUCHANAN AND DISUNION.

Letter from the Hon. Preston S. Brooks, read at the Ratification Meeting at Charleston, S. C.

WASHINGTON, D. C., *June* 16, 1856.

GENTLEMEN: Circumstances of a personal character, and over which I have no control, will prevent me from uniting with you in the ratification meeting at Charleston.

The issue in the pending election of a President is the issue of Union or Disunion; for, if the strength of the Fusionists, who now predominate in the lower House of Congress, becomes augmented by Presidential power and patronage, as surely as there is a heaven above us, the temple of Republican Liberty, which our Revolutionary sages erected in moderation, wisdom, and honor, will crumble into ruins, and every fragment of the wreck will be stained with blood! It can never be, that the people of fifteen sovereign States will passively "walk under the yoke," while weapons of defence are to be found, and there are the hands of white men to use them.

I regard it as the highest duty of every patriot in the land to contribute his best energies to avert this fearful catastrophe, and am persuaded that it can be avoided only by the triumphant success of the Democratic party.

Mr. Buchanan was neither my first nor second choice for the Presidency, but, as the representative of a type of principles, and standing boldly as he does upon the Baltimore platform, upon which General Pierce was carried into power, enlarged, improved, and strengthened as it has been by the supplemental resolutions adopted at Cincinnati, and by which resolutions our principles, as practically applied to the Territory of Kansas, have been re-endorsed by the American Democracy, and by their nominee, I could not be unfaithful to the man, without treachery to the principles he represents.

We have reached the turning point in the experiment of the people to govern themselves. Ours is yet a youthful Republic, and so far we have made only trial trips to test the machinery of our Government; but the perils of the ocean of uncertainty are now to be encountered, and every man and every timber of the ship of State will be subjected to the severest proof. Let us do our duty to the Constitution and the country, in an earnest and concerted effort with the law-abiding and conservative men of every State, in driving off the piratical crew of Black Republicanism who hover around us, with the emblems of death at their head, and *rule* or *ruin* for their motto.

The high moral duty of forbearance, when fortified by a consciousness of having, as far as is consistent with honor, avoided the necessity of collision, will steel the arm of any man with a soul in his body, to strike against every odds in resistance of insult or oppression. To this condition of mind I hope to see brought every man in the South who is capable of bearing arms. If, with the aid of the patriotic Democracy of the North—a Democracy which is honored by having on its muster roll the names of Pierce of New Hampshire, Douglas of Illinois, and Toucey of Connecticut—the issue of disunion may be avoided, I will praise God for it; but, after doing our whole duty, if the issue of blood must come, why then we will be prepared to meet it, and I'll thank God for that.

We have friends throughout the entire North who are true to us. Good and true men are confined to no one region, and not only the political fortunes of such are embarked in this contest, but in many instances their social position and pecuniary interests will be affected by the result. Should the Democratic army be victorious, they will become more zealous in guarding the outposts of the Constitution. They will be breveted, and their influence increased.

If it is defeated, many will have to fly before the fires of fanaticism, and we, in remembrance of their virtue and services, throw open to them our hearts and homes, and bid them come and dwell therein.

I have the honor to be, respectfully, your obliged servant, P. S. BROOKS.

I. Johnston Pettigrew
and others, Committee.

FOREIGN CORRESPONDENCE.

PARIS, *June* 26, 1856.

To the Editor of the National Era:

It may not be amiss in me to vary from my usual date sufficiently to give you my impressions during a very brief visit in Paris. Since I was here before, (in 1852,) great changes have taken place in the appearance of parts of Paris, and political changes have occurred of a greater importance. However, to the stranger, Paris is to-day a pleasanter city, in which to reside, than it was under Louis Napoleon the President. Then there was no more real liberty, and there was the dread of change of the *coup d'état*, which everybody predicted; and there was actually a closer surveillance of the people than now; for, after a certain fashion, the present Government is established. The people have given up all ideas of revolution, for the present, and quietly await the events of Providence. The people of Paris are prudent for once in their lives. Said an excellent man to me, "It is best not to speak, now, but we know Louis Napoleon to be very selfish—as selfish as he is capable. We bear the yoke, for we must." I alluded to the arrangements which the Emperor has recently made for the succession. My friend shrugged his shoulders, laughed contemptuously, and said: "The young Prince will never rule France, and nobody in Paris thinks so." Paris is full of soldiers. This is the reason why the people are so very still; they dare not speak. It would not do justice to the Emperor, if I did not admit that the capability to govern which he has shown has satisfied many with his position, and made it more endurable to all than was at first anticipated.

Paris, as a city, has prospered under the reign of Louis Napoleon, in certain departments of labor and art. For instance, in her public buildings and architecture she has made marked progress, and her shopkeepers and mechanics have been busy. The Republic is or should be prudent and economical, while an Empire exists in France only through show, great expenditures, and an army. The French are very fond of external magnificence; and the recent baptism of the Prince hit their tastes exactly. Notre Dame has been visited by thousands, at a franc a head, to look at its baptismal decorations; and the common people gathered in the streets to see the grand processions, the brilliant illuminations, to eat the good things which were precipitated from the three hundred balconies, and enjoy the crowd of people.

But if Paris has prospered in some things, she has also retrograded in others. It cannot be denied, that in the arts and sciences and literature she has stood still. The despotism which reigns has stifled them for the present. Louis Napoleon in vain endeavors to gather about him brilliant men in the arts and in literature. He has banished some of the best men of France, and the remaining ones regard him with secret hate or dislike. The most brilliant writers and orators of France are in exile, and of those who stay, I scarcely know of one who is a political friend of the Emperor. Lamartine, it is well known, clings to the idea of a Republic; Arago did the same; while Sue, Sand, Dumas, and a host of others, who are the popular writers of Paris and France, are not friendly to the Napoleon dynasty.

With such a state of things, how is it possible that Louis Napoleon can, by any method, perpetuate the reign of his family after his own death?

He has made his arrangements as follows: The Prince is to be minor till he is eighteen years of age. If he comes to the throne without his father having disposed of the Regency of the Empire, the Empress Eugenia is to be Regent. The Empress is not to be allowed to marry again. As soon as the Regent is nominated, the State affairs are to be governed by the Ministers in office. It is possible that Louis Napoleon is simple enough to think that such an arrangement as this will insure the throne to his child and heir, but I can hardly believe it. I find that almost all who were witnesses of the baptismal rejoicing, simply enjoyed the day as a grand holyday, and had no idea that it was an act which added one particle to the probabilities of the succession. Parisians who are not Republican have assured me that they had no expectations that the Prince would ever rule France, and that it is a rare thing to find a man who has. By everybody the present Government is looked upon as a temporary one. The Republican waits for it to pass away, that a new Republic may be established; though I believe, of all classes, the Republicans here are the most downcast and despairing. They have faint hopes of establishing a stable Republic in France for years to come. The friends of the Count de Chambord imagine that an overturn in political matters might give their hero an opportunity, while, I suppose, the Orleans family are in the same predicament. My opinion is, that the present Government will last as long as Louis Napoleon does, even if he should live forty years longer. The reason why, is, that no other party is strong enough to rule the country. The Republicans are too weak and dispirited, and the same criticism will apply to every other party in France. And so long as this is the case, all or a majority are ready to unite and guaranty Napoleon's throne, rather than see anarchy and the scenes of blood which would very likely occur, were the present Government to be suddenly overturned by the people.

That Louis Napoleon has considerable strength in the provinces, no one can deny. His *name* is a tower of strength in the rural districts, and of late his conduct towards the people of the inundated districts has gained for him their love and admiration. It is not natural to scrutinize the motives of one who succors us in time of distress. The main strength of the Emperor in all parts of the Empire is the brute force under his command, *the army*. No man can deny this fact, and it speaks volumes against the popularity of the Emperor with the people. He has certainly for many years had the hearts, or at least minds, of the army. My opinion of the French army is not an exalted one, however. In military tactics and bravery it is unsurpassed, but it has no heart, patriotism, or honesty. It can be easily bribed, as it was years ago by Louis Napoleon, and it can never be relied upon by anybody but an Emperor who has money at his command. No one believes that the present Emperor has ever been regarded with great enthusiasm by the army. He has done nothing to call forth their enthusiasm or admiration, in a military point of view, but they are his blind supporters. It was because he flattered them and bribed them that they came to his support, and because he was the only power which, at the time, held out any offer to them. I am sick of the constant processions of soldiery through the city. The stranger cannot step into a street without meeting them, and in all public places they congregate.

The Emperor and Empress are stopping at present at St. Cloud, but scarcely a day passes without our seeing the former in the city. He usually rides every afternoon about four or five o'clock in the Champs Elysees. The people do not seem to regard him with any enthusiasm—that is, none of the genuine sort. Of course, a man in his position, and of his capabilities, will create a sensation wherever he goes in Paris or France.

There seems to be something of an Anti-American feeling here now. The Government does not wish war with anybody, but does certainly not sympathize with America in her Crampton and Nicaragua difficulties. This is natural enough. The French people are as warmly our friends as ever, while the Government can have no reason for sympathizing with us.

AMERICAN.

MR. DAYTON'S ACCEPTANCE.—*New York, July* 15.—Mr. Dayton's letter of acceptance has been published. He says therein that he deprecates the sectional political issues, but the repeal of the Missouri compromise, and the consequent extension of Slavery, are issues forced upon us, and that the section of country presenting these issues is responsible for the result. He finds in the resolutions of the Convention no principles or rules of political conduct to which he does not yield his cordial assent, and accepts the nomination.

THIRTY-FOURTH CONGRESS.

First Session.

Wednesday, July 9, 1856.

SENATE.

[We copy from the correspondence of the New York *Evening Post* a summary of the debate in the Senate on the 9th.]

The Senate was nearly nine successive hours engaged discussing the merits of the Kansas bill which it had passed the day before, a noticeable example of the "quieting" effects which commonly follow such one-sided and arbitrary measures of pacification. The motion from which this debate sprung was a simple resolution to print 20,000 extra copies of the bill.

Mr. Trumbull observed that he saw no reason for publishing an extra number of this, more than of any other bill, except as an electioneering document, as illustrating the change of views in its framers in regard to squatter sovereignty. But in that case, it would be well to have the bill accompanied by the various rejected amendments which were offered by Senators opposed to it. Other remarks followed, from Weller, Wade, Wilson, Hale, and Douglas, the last of whom, in his peculiar manner, adverted to the "Black Republicans'" assertion, that the object of the bill was to plant Slavery in Kansas, and in turn charged them with desiring to continue the reign of anarchy and murder in that Territory, merely to make political capital. For this abusive imputation he was rebuked by Mr. Fessenden.

After assuring Mr. Douglas that the effect of his arguments was not enhanced by the style and language in which they were usually delivered, he reiterated his opinion that the extension of Slavery was the object of the *first* and of *this* Kansas bill. That it was the object of the original bill, he proved by briefly reciting its antecedents and its consequences. Among the antecedents he mentioned the peculiar line established for the northern boundary of Kansas. Instead of selecting the Platte river, the natural boundary between Kansas and Nebraska, as the northern limit of Kansas, it was, apparently without reason, brought down parallel with the northern line of Missouri, so that the Territory could not be entered from the east except through a slave State. The Slavery propagandizing societies organized by Atchison and others in Missouri, in advance of the passage of the bill, was another indication of its object, and of what was expected by the Border Ruffians of its results.

Mr. Toombs, of Georgia, undertook unsuccessfully to reply to Mr. Fessenden. His legal argument, however, was too foggy for ordinary comprehension, though the same cannot be said of other portions of his speech, particularly of his eulogy of the Border Ruffians, whom he seemed to consider, with the Richmond *Enquirer*, "the highest style of men."

The speeches which followed, most worthy of remark, were those of Stuart of Michigan, Trumbull of Illinois, and Pugh of Ohio. Stuart, with the rest of his Northern political associates, feel uneasy at the prospect before them. They dread the effect of their bill for the enslavement of Kansas among their constituents, as was manifested by the faltering support which they gave it. Stuart protested against the acts of violence committed both by the Free State and the Border Ruffian parties. He said that he had to withstand, in maintaining his position at home, the general sentiment of the people, and hence his Southern friends would appreciate the sacrifices he had made in supporting this bill.

In reply to the statement that the Democrats, who voted to repeal certain Territorial laws in Kansas, had abandoned the doctrine of Congressional non-interference, he said that the bill only repealed such laws as conflicted with the act organizing the Territory. He also averred that the argument for the immediate admission of Kansas without a previous enabling act of Congress, derived from the case of the admission of Michigan without such an act, was wholly unsound. The cases were not parallel. Michigan was a part of the Northwest Territory, and, by the Ordinance of 1787, a provision was made for the admission of five States, with requisite population. She therefore had an enabling act sufficient to justify her admission by Congress.

Most opportunely, Mr. Trumbull stepped into the argument just here, and effectually demolished the flimsy reasoning of the Michigan Senator. He said that the Ordinance of 1787 dated before the formation of the present Union. How then could a State be admitted into the Union under an instrument which was framed and adopted before that Union was founded? As for Mr. Stuart's assertion, that no laws were repealed in the bill, except such as were inconsistent with the organic act, and that therefore those who sustained it had not abandoned the doctrine of "squatter sovereignty," he would ask whether it was inconsistent with the organic act for the Territorial Legislature to appoint a day for an election? Obviously not. And yet the law ordering an election on the first Monday in October is expressly repealed in this bill.

Again, was it inconsistent with the organic act for the Legislature to prescribe the qualifications of voters? And yet this bill expressly abrogates the Territorial law to this effect. There were many other instances of the kind, but these two were enough to show how completely Democratic Senators had thrown overboard their old favorite of squatter sovereignty.

Pugh's speech was but an echo of that of Stuart, though delivered with greater agony of gesticulation. Shortly after its delivery, the Senate, at nine o'clock at night, passed the bill ordering the printing, and adjourned.

HOUSE.

Mr. Cragin, of New Hampshire, from the Committee on Printing, reported a resolution providing for the printing of one hundred thousand copies of the majority and minority reports of the select committee appointed to investigate the assault upon CHARLES SUMNER, a Senator of the United States, by a member of the House of Representatives. Mr. C. stated that the cost per copy of said report would be nine cents.

Mr. Cobb, of Georgia, moved to limit the number of copies to be printed to ten thousand.

The amendment was then agreed to—yeas 98, nays 89; and the resolution as thus amended was adopted—yeas 129, nays 68.

On motion of Mr. Campbell, of Ohio, the House proceeded to consider the following resolutions, reported by the special committee to investigate the assault upon Charles Sumner, a Senator of the United States from the State of Massachusetts, by Preston S. Brooks, a member of the House of Representatives from the State of South Carolina:

Resolved, That Preston S. Brooks be and he is forthwith expelled from this House as a Representative from the State of South Carolina.

Resolved, That this House hereby declares its disapprobation of the said acts of Henry A. Edmundson and Lawrence M. Keitt in regard to said assault.

Mr. Cobb, of Georgia, moved as a substitute for the resolutions the following resolution, appended to the report of the minority of the committee:

Resolved, That this House has no jurisdiction over the assault alleged to have been committed by the Hon. P. S. Brooks, a member of this House from South Carolina, on the Hon. Charles Sumner, a Senator from Massachusetts, and therefore deem it improper to express any opinion on the subject.

Mr. Clingman, of North Carolina, said the matter had produced great excitement in the country. He had not been here many years, and yet had seen much stronger cases than this of fights when the House was in session. He recapitulated these personal encounters, remarking that the House did not take action on any of them. His object was to show that the occurrence now under consideration was sought to be magnified, with a view to make political capital. A certain party, thinking their sands of life are running low, want to get up a great excitement. There was nothing to justify it. He thought the argument of the minority of the committee took the proper ground, and contended that no breach of privilege had been committed by Mr. Brooks. Were he to speak of Mr. Sumner's speech as its character deserved, he would have to adopt a collection of coarse and offensive expressions.

No man has a right to indulge in vituperation, as Franklin says, without subjecting himself to be called to account. Men of courage are rarely abusive, but those who falsify are generally cowards. He believed that Mr. Sumner was closely identified with the Garrison and Phillips school, and was for disunion. If that Senator wanted to degrade the country and the Senate, he might well indulge in such things.

In conclusion, Mr. Clingman said that there was nothing in the assault to justify the indignation of the country. It was not a matter for the House to interfere with, and ought to be left to a judicial tribunal.

Mr. Bingham addressed the House. [We print his speech in another place.]

Mr. Orr desired to reply to a portion of the remarks of the gentleman from Ohio, [Mr. Bingham,] who, in indulging in a most beautiful paroxysm of eloquence as to the wrongs which had been done to the people of Kansas, had said that the Senator from Massachusetts was stricken down in consequence of his pleading in behalf of the injured inhabitants of that Territory. Mr. Orr knew that such an impression had been attempted to be produced upon the public mind; but the statement was not warranted by the facts.

With reference to personalities, he would say that he had been here seven years, and never had had a personal controversy with a single member upon the floor of the House. He had never had occasion to indulge in invective either against individuals or against States; and whenever he should feel himself authorized to do so, he would hold himself responsible for it, out of the House, as well as in the House. There was no other rule that could be laid down, which gave honorable men security against the libels of a foul-mouthed slanderer who might choose to indulge himself in the privileges which he enjoyed as a member of the Senate or of the House. Dr. Franklin was right in what he had said; and was it not a frequent occurrence that editors received a proper reward for their slanders? Yet this was just as great an invasion of the liberty of the press as had been committed by his colleague in his assault upon the Senator from Massachusetts.

He believed that the object was to operate upon the public mind with reference to the approaching election. This morning, over eighty members of the House had voted to print one hundred thousand copies of the reports of the committee at the public expense, showing that this report was intended as an electioneering document, to be scattered over the North to assist the Republican party.

Mr. Hickman, of Pennsylvania. I voted against the amendment of the gentleman from Georgia to limit the number to ten thousand. Does the gentleman say I voted for it as an electioneering document to assist the Republican party?

Mr. Orr. All I have to say in reply to the gentleman is, that if he has no affiliation with the Republican party, his public position is very much misunderstood throughout the country.

Mr. Hickman. And I say——

The Speaker. Does the gentleman from South Carolina yield the floor?

Mr. Orr. The gentleman from Pennsylvania can reply, if I have said anything that touches him.

Mr. Nichols, of Ohio. Will objection to these interruptions during the progress of this discussion prevent them?

The Speaker. It will.

Mr. Nichols. Then I give notice that I will interpose objection to all interruptions.

Mr. Orr, (continuing.) This is a part of a system to inflame the public mind; and if the gentleman voted for it, then he gave a vote, perhaps without intending it, the effect of which was to affect the party to which he professes to belong.

Mr. Hickman. Mr. Speaker——

Cries of "order" and "hear him."

Mr. Nichols objected to any interruption.

Mr. Orr then entered into an elaborate review of the report and the testimony, for the purpose of showing, as he remarked, that there was either a very strong prejudice upon the part of gentlemen composing the committee, or else they appeared to have in view the preparation of a document which would be of great service pending the Presidential election.

Mr. Comins, of Massachusetts, then obtained the floor; when, at a quarter past four o'clock, the House adjourned.

Thursday, July 10, 1856.

SENATE.

The Indian appropriation bill was passed.

Mr. Mason, from the Commitee on Foreign Relations, reported a bill to amend the act of last session to remodel the diplomatic and consular system of the United States; which was made the special order for Monday next. The principal changes proposed by the bill are, to raise the salary of the Minister to France from $15,000 to $17,500. The Ministers to England and France are each allowed a clerk, at a salary of $1,500.

The bill to amend the act to promote the efficiency of the navy was then taken up.

Several amendments were made; among them, one striking out the section reviving the grade of admirals. Adjourned.

HOUSE.

The resolution asking the appointment of a select committee to inquire into the subject of the alleged frauds in constructing public buildings was taken up.

After debate, the resolution was passed; and Messrs. Ball, Kennett, Burnett, King, and Cadwalader, were appointed said committee.

The report of the committee on the Sumner assault was then resumed.

Mr. Comins said he had heard of no terms of condemnation of the assault which did injustice to the perpetrator. He implored every member—every lover of peace, quiet, and order—to join as one man, and roll back the tide of ruffian violence, which had become prominent and prevalent and arrogant.

Mr. Brooks rose to speak, but Mr. Wakeman and others objected. The first named said his object was merely to ask that order be preserved. The prevalent confusion prevented him from hearing every word.

The Speaker said that he should endeavor to preserve order.

Mr. Cobb, of Georgia, said that he should not allude to the testimony, but for the remarks of Mr. Comins. The charge of the gentleman, that the assault was made in consequence of Mr. Sumner's Anti-Slavery speech, was not founded in truth, nor supported by the evidence. Let gentlemen meet the issue fairly. The evidence, including that of Mr. Sumner himself, shows that the assault was made in consequence of a personal insult offered to a friend and kinsman of Mr. Brooks, and an indignity cast upon the State which Mr. Brooks in part represents. This was stated by Mr. Sumner himself as the reason given by Mr. Brooks, at the time, for the assault.

Mr. C. then argued, that this was not such a question as would justify the interference of the House; and that, apart from the protection given to members for legislative purposes, members, when they depart from these purposes to libel their fellow-citizens, are placed on the same level, as to responsibility, with the humblest of their constituents.

Mr. Pennington, of New Jersey, replied to a portion of the remarks delivered yesterday by Mr. Orr, of South Carolina. If that gentleman supposed that he (Mr. P.) had any personal or sectional or partisan purposes to subserve in the course he had pursued in this case, he was entirely mistaken. He bore no spirit of personal unkindness towards either of the parties implicated, and no friend of theirs could more sincerely regret the occurrence, on their account, than himself. But he acknowledged no right on the part of the gentleman from South Carolina to call his motives into question. He acted upon his own responsibility, without accountability to the gentleman, and according to his own convictions of duty; and, while he sought no personal collision with the gentleman, or any other member of the House, he would tell him that if he meant to insinuate (what was not broadly asserted) that the majority of the committee had been actuated by the purpose of making party capital, the charge, so far as regarded himself—he spoke for no other—was utterly unfounded in fact. He met it with a full and flat denial. He attributed to Mr. Brooks no murderous purpose; but he had no hesitation in saying that, in the eye of the law, the weapon used was not only of a deadly and a murderous character, but was wielded in a murderous manner—to prove which, he freely quoted from the testimony.

Mr. P. then entered into an argument to prove that the assault was a direct violation of that provision of the Constitution of the United States which declares that for any speech or debate in either House members shall not be questioned in any other place; and, as such, he maintained, it involved a breach of the privileges not only of the Senate and of the Senator assaulted, but of the House of Representatives. In conclusion, he contended that the House had the power to punish the act.

Mr. Foster argued that it was as clear as the sun in the heaven, to him, that the House had no jurisdiction in the premises.

Without taking the question on the report, the House adjourned.

Friday, July 11, 1856.

SENATE.

The Senate proceeded to the consideration of private bills.

The bill for the relief of Cyrus H. McCormick was then taken up and discussed at some length. It proposes to allow him to go before the Commissioner for a renewal of his patent, on the ground that his former application was refused through some technicality; and it places him on the ground that he would have occupied, had it not been for that technicality. The bill was rejected—yeas 15, nays 23.

Thirteen private bills were passed, after which the Senate adjourned over until Monday.

HOUSE.

Mr. Oliver, of Missouri, from the minority of the Kansas Investigating Committee, made a report. He states that the evidence shows that Mr. Whitfield was duly elected a delegate to Congress in November, 1854; and while the testimony is conflicting, and directly contradictory in some points relative to the election of March, 1855, for members of the Legislature, yet from the whole it clearly appears that the Anti-Slavery party was in the minority in fourteen out of eighteen election districts.

Mr. Oliver reviews at great length the existing troubles in Kansas, saying from the evidence that they are clearly chargeable to the revolutionary movements of those who got up the Topeka Constitution, and have pledged themselves to resist the laws at all hazards.

The House then resumed the report on the Sumner assault.

Mr. Allison contended that this subject involved not only the rights of an individual, but of the people.

Mr. Bocock said that there was no cause on the record showing the expulsion of a member for an assault and battery. He argued that the case pending did not warrant the interposition of the House—no such "disorderly behaviour," for which the Constitution provides punishment, having been committed.

Mr. Simmons argued, not only that the House had the power in the case, but that it is the duty of the House to exercise it.

Mr. Winslow regretted that undue importance had been given to this matter, and said that the facts, as developed, showed it to be a mere personal controversy.

Mr. Edie did not agree that this was a mere personal matter, and spoke of attempts having been made to explain away the plain language of the Constitution.

Mr. Giddings said Mr. Brooks had satisfied the law relative to the assault and battery, but had not answered for the great crime committed against the Constitution.

The House then adjourned.

Saturday, July 12, 1856.

The Senate did not sit to-day.

HOUSE.

Mr. Grow, of Pennsylvania, gave notice to the House, that as soon as possible after the pending question of privilege should be disposed of, he would call up the motion heretofore made by Mr. Dunn, of Indiana, to reconsider the vote by which the bill to annul certain acts of the Legislative Assembly of the Territory of Kansas, and to secure to the citizens of said Territory their rights and privileges, was referred to the Committee of the Whole on the state of the Union.

The House then resumed the consideration of the resolutions reported by the special committee to investigate the assault upon Senator Sumner, proposing to expel Mr. Brooks, of South Carolina, and disapproving of the acts of Mr. Edmundson, of Virginia, and Mr. Keitt, of South Carolina, in regard to said assault, the question being on the substitute offered therefor by Mr. Cobb, of Georgia, denying the jurisdiction of the House in the premises.

Mr. Cullen, of Delaware, was fully satisfied that the House had jurisdiction in this case. If prompted by his feelings, Mr. Cullen would wish Mr. Brooks's acquittal, but a sense of public duty compelled him to say that that gentleman should be punished.

Mr. English, of Indiana, moved the following, as a substitute for the amendment of Mr. Cobb:

"*Resolved*, That this House hereby declares its disapprobation of the assault made by the Hon. Preston S. Brooks upon the Hon. Charles Sumner, in the Senate Chamber, on the 22d day of May, 1856, and the House deems this a fit occasion to express its disapprobation of the use of language in debate of a character personally offensive to individual members of Congress or to any of the States of this Union."

Mr. Boyce, of South Carolina, entered into an elaborate argument, to prove that the Constitution does not convey the power asserted by the majority of the Committee, and that the conduct of the gentleman from South Carolina was not disorderly behaviour in the sense the Constitution intended.

Mr. Etheridge, of Tennessee, claimed that the House possessed jurisdiction, and cited precedents to show that in regard to this question the North now stands where the South stood in former years. He hoped that his friends from the South would not place themselves wrong on the record, because this had been made a sectional question. He condemned the notoriety which had been given to the assault, as well as the extreme opinions of both sections, and did not think that the act of Mr. Brooks merited expulsion, or that Messrs. Keitt and Edmundson had been guilty of any impropriety whatever.

On motion of Mr. Quitman, of Mississippi, by consent, it was ordered that during the remainder of the day gentlemen debating the pending question should be limited to fifteen minutes each.

Mr. Nichols, of Ohio, urged that the conduct of the gentleman from South Carolina constituted an offence of which the House should take cognizance. When that gentleman concluded to assault Senator Sumner, he made up his mind to take all the consequences; and therefore neither Mr. Brooks nor his friends should complain if the House should express its disapprobation of the act.

The debate was then further continued by Messrs. Taylor of La., Stewart of Md., Branch of N. C., Savage of Tenn., Bowie of Md., Ready of Tenn., Florence of Pa., and Letcher of Va., against the jurisdiction of the House in this case, and by Messrs. Tyson of Pa., Knapp of Mass., Woodruff of Conn., Granger of N. Y., Hickman of Pa., Oliver of N. Y., Kunkel of Pa., Damrell of Mass., Campbell of Pa., Hall of Mass., Durfee of R. I., Purviance of Pa., and Leiter of O., on the other side.

Mr. Cadwalader, of Pennsylvania, while he recognised the jurisdiction of the House in all proper cases, was convinced that its exercise in the present instance would be unparliamentary, illegal, and injurious.

Mr. Houston, of Alabama, moved to recommit the resolutions and pending amendments to the select committee on the subject, with instructions to report the following resolution, and sustained his motion in a brief argument:

Resolved, That this House has no constitutional authority to determine what are the privileges of the Senate or to punish for their violation.

The hour of nine o'clock having arrived, and no member claiming the floor, the House adjourned.

Monday, July 14, 1856.

SENATE.

The Senate was occupied with the consideration of that interminable subject, the Naval Board and Naval Reform.

HOUSE.

A motion to suspend the rules, so as to enable the House to act on the Senate resolution to adjourn on the 28th, failed—yeas 110, nays 91.

The House then proceeded to consider the report on the Sumner assault.

Mr. Edmundson, of Virginia, obtained leave to make an explanation. Having caused his testimony before the committee to be read, he earnestly defended himself from the charge of "reprehensible" conduct, as made in the report of the majority.

Mr. Campbell then proceeded to close the debate. He denied that, in discharging their duties as members of the committee, the majority had been actuated by a disposition to make party capital. They had been actuated by the sole desire to do their duty to the House, to the parties implicated, and to the country. The reason why the gentleman from Virginia had not been notified was, that the committee itself had not determined, until the very morning that the report was prepared, that there were facts sufficient in that gentleman's testimony to warrant the conclusions which, in his case, they had reported to the House. Up to this morning, the committee had not only been willing, but anxious, that the gentleman and his friends should have an opportunity to present such facts as might authorize them to relieve him from his complicity in the affair; but the House had refused to allow them the time they desired, and the consequence was that they would be compelled to act upon the testimony as it already appeared upon the record.

Mr. Houston then withdrew his motion to recommit the resolutions of the committee, with instructions, when the question recurred on the following substitute, offered by Mr. English, of Indiana, in lieu of that submitted by Mr. Cobb, of Georgia:

Resolved, That this House hereby declares its disapprobation of the assault made by the Hon. Preston S. Brooks upon the Hon. Charles Sumner, in the Senate chamber, on the 22d day of May, 1856, and the House deems this a fit occasion to express its disapprobation of the use of language in debate of a character personally offensive to individual members of Congress, or to any of the States of this Union.

The question was taken, and the amendment was disagreed to, by the following vote:

YEAS—Messrs. Allen, Ball, Cadwalader, Carlile, Cox, Davis of Maryland, Denver, Dunn, Edwards, English, Etheridge, Evans, Hall of Iowa, Harrison, Haven, Kelley, Kennett, A. K. Marshall of Kentucky, H. Marshall of Kentucky, Marshall of Illinois, Miller of Indiana, Millson, Millward, Moore, Peck, Puryear, Reade, Ready, Ricaud, Smith of Alabama, Swope, Trippe, Underwood, Vail, and Zollicoffer—35.

NAYS—Messrs. Aiken, Albright, Allison, Barbour, Barksdale, Bell, Bennett of New York, Bennett of Mississippi, Benson, Billinghurst, Bingham, Bliss, Bocock, Bowie, Boyce, Bradshaw, Branch, Brenton, Broom, Buffinton, Burlingame, Burnett, Campbell of Pennsylvania, Campbell of Kentucky, Campbell of Ohio, Caruthers, Caskie, Chaffee, Clarke of New York, Clark of Connecticut, Clawson, Clingman, Cobb of Georgia, Cobb of Alabama, Colfax, Comins, Covode, Cragin, Craige, Crawford, Cullen, Cumback, Damrell, Davidson, Davis of Massachusetts, Day, Dean, De Witt, Dick, Dickson, Dodd, Durfee, Edie, Elliott, Emrie, Eustis, Faulkner, Florence, Foster, Galloway, Giddings, Gilbert, Goode, Granger, Greenwood, Grow, Hall of Massachusetts, Harlan, Harris of Alabama, Harris of Illinois, Hickman, Holloway, Horton of New York, Horton of Ohio, Houston, Howard, Hughston, Jewett, Jones of Tennessee, Jones of Pennsylvania, Kelsey, King, Knapp, Knight, Knowlton Knox, Kunkel, Lake, Leiter, Letcher, Lindley, Lumpkin, Matteson, Maxwell, McCarty, McMullin, McQueen, Meacham, Miller of New York, Morgan, Morrill, Murray, Nichols, Norton, Oliver of New York, Oliver of Missouri, Orr, Packer, Parker, Pearce, Pelton, Pennington, Perry, Pettit, Phelps, Pike, Porter, Powell, Pringle, Purviance, Quitman, Ritchie, Rivers, Robbins, Roberts, Robison, Ruffin, Rust, Sabin, Sage, Sandidge, Sapp, Savage, Scott, Sherman, Shorter, Simmons, Smith of Tennessee, Smith of Virginia, Sneed, Spinner, Stanton, Stephens, Stranahan, Talbott, Tappan, Taylor, Thorington, Thurston, Todd, Trafton, Tyson, Wade, Wakeman, Walbridge, Waldron, Walker, Warner, Washburne of Wisconsin, Washburne of Illinois, Washburn of Maine, Watkins, Watson, Welch, Wells, Wheeler, Whitney, Williams, Winslow, Wood, Woodruff, Woodworth, Wright of Mississippi, and Wright of Tennessee—174.

The question was then stated to be on the following substitute, offered by Mr. Cobb, of Georgia, in lieu of the resolutions reported by the committee:

Resolved, That this House has no jurisdiction over the assault alleged to have been committed by the Hon. P. S. Brooks, a member of this House from the State of South Carolina, upon the Hon. Charles Sumner, a Senator from the State of Massachusetts, and therefore deem it improper to express any opinion on the subject.

And the question being taken, the amendment was disagreed to, by the following vote.

YEAS—Messrs. Aiken, Barksdale, Bell, Bennett of Mississippi, Bocock, Bowie, Boyce, Branch, Burnett, Caruthers, Cobb of Georgia, Cobb of Alabama, Craige, Crawford, Davidson, Denver, Dowdell, Elliott, Eustis, Faulkner, Florence, Foster, Greenwood, Hall of Iowa, Harris of Alabama, Harris of Illinois, Houston, Jewett, Jones of Tennessee, Jones of Pennsylvania, Kidwell, Lake, Letcher, Lindley, Lumpkin, Maxwell, McMullin, McQueen, Oliver of Missouri, Orr, Phelps, Porter, Powell, Quitman, Ready, Rivers, Ruffin, Rust, Sandidge, Savage, Seward, Shorter, Smith of Tennessee, Smith of Virginia, Sneed, Stephens, Talbott, Taylor, Trippe, Walker, Warner, Watkins, Wheeler, Winslow, Wright of Mississippi, and Wright of Tennessee—66.

NAYS—Messrs. Albright, Allen, Allison, Ball, Barbour, Bennett of New York, Benson, Billinghurst, Bingham, Bishop, Bliss, Bradshaw, Brenton, Broom, Buffinton, Burlingame, Campbell of Pennsylvania, Campbell of Ohio, Carlile, Chaffee, Clarke of New York, Clark of Connecticut, Clawson, Clingman, Colfax, Comins, Covode, Cox, Cragin, Cullen, Cumback, Damrell, Davis of Maryland, Davis of Massachusetts, Day, Dean, De Witt, Dick, Dickson, Dodd, Dunn, Durfee, Edie, Edwards, Emrie, English, Etheridge, Evans, Galloway, Giddings, Gilbert, Granger, Grow, Hall of Massachusetts, Harlan, Harris of Maryland, Harrison, Haven, Hickman, Hoffman, Halloway, Horton of New York, Horton of Ohio, Howard, Hughston, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, A. K. Marshall of Kentucky, H. Marshall of Kentucky, Marshall of Illinois, Matteson, McCarty, Meacham, Miller of New York, Miller of Indiana, Millson, Millward, Moore, Morgan, Morrill, Mott, Murray, Nichols, Norton, Oliver of New York, Packer, Parker, Pearce, Peck, Pelton, Pennington, Perry, Pettit, Pike, Pringle, Purviance, Puryear, Reade, Ricaud, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Smith of Alabama, Spinner, Stanton, Stewart, Stranahan, Swope, Tappan, Thorington, Thurston, Todd, Trafton, Tyson, Underwood, Vail, Wade, Wakeman, Walbridge, Waldron, Washburne of Wisconsin, Washburne of Illinois, Washburn of Maine, Watson, Welch, Wells, Whitney, Williams, Wood, Woodruff, Woodworth, and Zollicoffer—145.

The question finally recurred on the resolutions reported by the committee, as follows:

Resolved, That Preston S. Brooks be and he is forthwith expelled from this House as a Representative from the State of South Carolina.

Resolved, That this House hereby declares its disapprobation of the said acts of Henry A. Edmundson and Lawrence M. Keitt in regard to said assault.

Mr. Whitney, of New York, demanded a division of the question; whereupon, the question was taken upon the first resolution, with the following result:

YEAS—Messrs. Albright, Allison, Ball, Barbour, Bennett of New York, Benson, Billinghurst, Bingham, Bishop, Bliss, Bradshaw, Brenton, Broom, Buffinton, Burlingame, Campbell of Pennsylvania, Campbell of Ohio, Chaffee, Clarke of New York, Clark of Connecticut, Clawson, Colfax, Comins, Covode, Cragin, Cumback, Damrell, Davis of Massachusetts, Day, Dean, De Witt, Dick, Dickson, Dodd, Dunn, Durfee, Edie, Edwards, Emrie, Galloway, Giddings, Gilbert, Granger, Grow, Hall of Massachusetts, Harlan, Haven, Hickman, Hoffman, Holloway, Horton of New York, Horton of Ohio, Howard, Hughston, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Matteson, McCarty, Meacham, Miller of New York, Millward, Moore, Morgan, Morrill, Mott, Murray, Nichols, Norton, Oliver of New York, Packer, Parker, Pearce, Peck, Pelton, Pennington, Perry, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Spinner, Stanton, Stranahan, Tappan, Thorington, Thurston, Todd, Trafton, Tyson, Vail, Wade, Wakeman, Walbridge, Waldron, Washburne of Wisconsin, Washburne of Illinois, Washburn of Maine, Watson, Welch, Wells, Whitney, Williams, Wood, Woodruff, and Woodworth—121.

NAYS—Messrs. Aiken, Allen, Barksdale, Bell, Bennett of Mississippi, Bocock, Bowie, Boyce, Branch, Burnett, Cadwalader, Carlile, Caskie, Clingman, Cobb of Georgia, Cobb of Alabama, Cox, Craige, Crawford, Davidson, Davis of Maryland, Denver, Dowdell, Edmundson, Elliott, English, Etheridge, Eustis, Evans, Faulkner, Florence, Foster, Goode, Greenwood, Hall of Iowa, Harris of Maryland, Harris of Alabama, Harris of Illinois, Harrison, Houston, Jewett, Jones of Tennessee, Jones of Pennsylvania, Keitt, Kelly, Kennett, Kidwell, Lake, Letcher, Lindley, Lumpkin, A. K. Marshall of Kentucky, H. Marshall of Kentucky, Marshall of Illinois, Maxwell, McMullin, McQueen, Miller of Indiana, Millson, Oliver of Missouri, Orr, Phelps, Porter, Powell, Puryear, Quitman, Reade, Ready, Ricaud, Rivers, Ruffin, Rust, Sandidge, Savage, Seward, Shorter, Smith of Tennessee, Smith of Virginia, Smith of Alabama, Sneed, Stephens, Stewart, Swope, Talbott, Taylor, Trippe, Underwood, Walker, Warner, Watkins, Wheeler, Winslow, Wright of Mississippi, Wright of Tennessee, and Zollicoffer—95.

So the said resolution was disagreed to, two-thirds not voting in favor thereof, as required by the Constitution in cases of expulsion.

M. Brooks then attempted to speak, but Mr. Giddings objected. Appeals came from all parts of the House to hear him—the Massachusetts members were especially urgent, until at last Mr. G. withdrew his objection.

The members now crowded to the neighborhood of Mr. Brooks, and the spectators in the galleries manifested intense interest to hear him.

Mr. Brooks said that Mr. Sumner uttered a slander on his State, and on a venerable relative, who at the time was absent. Not content with this, he published a libel on his State and blood. It was a personal affair, and in taking redress in his own hands he meant no disrespect to the Senate or House. Nor did he mean any disrespect to Massachusetts. He was aware of the personal responsibility he incurred, and was prepared to meet it. If he had committed a breach of privilege, he was answerable to the Senate, which body had no right to present him to the House for punishment. He had never been called to order, nor had he offended any officer; yet the vote taken to-day transmitted him to posterity as unworthy of a seat here, because of disorderly behaviour. In this connection he spoke of Mr. Pennington as "the prosecutor," the "thumb paper," the "Falstaffian member," for which the Speaker called him to order.

I went to the Senate Chamber deliberately. I hesitated whether I should use a horse-whip or a cow-hide. Knowing the strength of the Senator to be superior to mine, I thought he might wrest it from me. If he had, I might have done what I should have regretted the remainder of my life. [A voice. He would have killed him.] Ten days ago, foreseeing what the action of the House would be, my resignation was put into the hands of the Governor of South Carolina.

Mr. Brooks then replied to several other members who had said hard things of him.

Alluding to the remark of James Watson Webb, which had been quoted—"that the assault deserved death on the spot"—he said, if those who endorsed that sentiment wished to play a game of chivalry, let them, with the whole Republican crew, come and take the life which they say is forfeited. If his opponents were satisfied with the present state of the case, he was. He returned his thanks to his friends, especially to the good Northern Democrats and gentlemen who had the manhood to stand by him, not forgetting John Scott Harrison, of Ohio. Some gentlemen, he believed, had voted against him contrary to their wishes, but were operated upon by outside pressure; and he spoke in commendation of those who gave their votes without indulging in vilification.

He concluded by saying, Mr. Speaker, I announce to you and the House, that I am no longer a member of the Thirty-fourth Congress. [Confusion, applause, and hisses, during which Mr. Brooks retired.]

A long time elapsed before order was restored.

The resolution censuring Messrs. Edmundson and Keitt was pending when the House adjourned, after an ineffectual attempt—yeas 96, nays 111.

Tuesday, July 15, 1856.

SENATE.

After disposing of Executive communications which were lying on the President's table, the Senate took up the bill appropriating $50,000 for the construction of a military road from Minnesota to the South Pass of the Rocky Mountains, which was discussed by Messrs. Brodhead and Butler against it, and Mr. Weller for it.

HOUSE.

After the Journal was read, the question recurred on the pending appeal from the Speaker's decision of the day before, that the resolution from the select committee on the Brooks and Sumner fracas, censuring Messrs. Keitt and Edmundson, was not divisible under the rule, and after much conversational debate on the point of order involved in the appeal, the question was put on the appeal, and the decision of the Chair was sustained—yeas 162, nays 25.

The question was then put on the said resolution, censuring Messrs. Keitt and Edmundson, upon which the vote was being taken as we went to press.

FURTHER FROM CALIFORNIA.

New York, July 14.—The only news of interest from San Francisco relates to the Vigilance Committee, which at last accounts were still in session. Their forces consist of four thousand infantry, five hundred cavalry, five companies of artillery, and thirty-five pieces of ordnance. These troops are drilled at several armories in different quarters of the city, and occasionally appear in the streets for regimental drill.

The committee have thrown up a breastwork of sand-bags in front of their buildings, and guarded all the approaches with cannon. Brass field-pieces are mounted on the roofs, ready for instant action, day and night.

Several additional criminals have been convicted, before the revolutionary tribunal, of ballot-box stuffing, been banished from the State, and sent to sea on board foreign-bound ships.

The Vigilance Committee number some thousand men, armed with revolvers.

An immense mass meeting was held in San Francisco, on the 16th ultimo, by the friends of the committee. Speeches were made by Balie Peyton, Hon. William Duer, and others, fully endorsing the action of the committee.

The committee had issued an address to the public, and also published the constitution of the organization.

Gen. Wool refused to loan the Governor arms and ammunition, on the ground that he was not authorized to act in the premises, except upon the order of the President.

Gen. Sherman had resigned his commission as Major General of the State troops, in consequence of the refusal of Gen. Wool to furnish arms and ammunition.

The State militia were encamped near San Francisco, and are said to number but a few hundred men. But little fear of a collision is anticipated.

MARKETS.

BALTIMORE MARKET.

Carefully prepared to Tuesday, July 15, 1856

Flour, Howard Street	$6.75 @ 0.00
Flour, City Mills	6.75 @ 7.00
Rye Flour	3.50 @ 3.62
Corn Meal	2.50 @ 3.12
Wheat, white	1.60 @ 1.70
Wheat, red	1.50 @ 1.57
Corn, white	57 @ 70
Corn, yellow	62 @ 63
Rye, Pennsylvania	70 @ 00
Rye, Virginia	60 @ 00
Oats, Maryland and Virginia	30 @ 00
Oats, Pennsylvania	32 @ 34
Clover Seed	5.50 @ 6.00
Timothy Seed	0.00 @ 0.00
Hay, Timothy	00.00 @ 00.00
Hops	9 @ 10
Potatoes, Mercer	90 @ 1.00
Bacon, Shoulders	10½ @ 00
Bacon, Sides	12½ @ 00
Bacon, Hams	12 @ 00
Pork, Mess	20.00 @ 00.00
Pork, Prime	17.00 @ 17.50
Beef, Mess	17.00 @ 00.00
Lard, in barrels	12½ @ 00
Lard, in kegs	13½ @ 00
Wool, Unwashed	20 @ 21½
Wool, Washed	29 @ 32
Wool, Pulled	26 @ 30
Wool, Fleece, common	29 @ 32
Wool, Fleece, fine	40 @ 45
Wool, Choice Merino	40 @ 45
Butter, Western, in kegs	12 @ 15
Butter, Roll	12 @ 16
Cheese	9½ @ 10½
Coffee, Rio	9¾ @ 10
Coffee, Java	14½ @ 15

NEW YORK MARKET.

Carefully prepared to Tuesday, July 15, 1856.

Flour, State brands	$6.15 @ 6.40
Flour, State brands, extra	6.80 @ 7.00
Flour, Western	6.40 @ 6.60
Flour, Southern	7.00 @ 7.30
Rye Flour	2.75 @ 4.35
Corn Meal	2.95 @ 3.25
Wheat, white	1.56 @ 1.75
Wheat, red	1.40 @ 1.55
Corn, white	63 @ 70
Corn, yellow	61 @ 63
Rye	85 @ 00
Oats	45 @ 42
Clover Seed	00.00 @ 00.00
Timothy Seed	0.00 @ 0.00
Hay	50 @ 70
Hops	8 @ 11
Bacon, Shoulders	10 @ 0
Bacon, Sides	9½ @ 0
Bacon, Hams	10½ @ 10⅝
Pork, Mess	20.75 @ 20.62
Pork, Prime	17.62 @ 00.00

WASHINGTON, D. C.

For the National Era.

A DREAM OF HOME.

BY ALICE CAREY.

Sunset! A hush is on the air,
Their gray old heads the mountains bare,
As if the winds were saying prayer.

The woodland, with its broad, green wing,
Shuts close the insect whispering,
And lo! the sea gets up to sing.

The day's last splendor fades and dies,
And shadows one by one arise,
To light the candles of the skies.

O, wild flowers, wet with tearful dew;
O, woods, with starlight shining through;
My heart is back to-night with you!

I know each beech and maple tree,
Each climbing brier and shrub I see—
Like friends they stand to welcome me.

Musing, I go along the streams,
Sweetly believing in my dreams,
For fancy like a prophet seems.

Footsteps beside me tread the sod,
As in the twilights gone they trod;
And I unlearn my doubts, thank God.

Unlearn my doubts, forget my fears,
And that bad carelessness that sears,
And makes me older than my years.

I hear a dear, familiar tone—
A loving hand is in my own—
And earth seems made for me alone.

If I my fortunes could have planned,
I would not have let go that hand;
But they must fall who learn to stand.

And how to blend life's varied hues,
What ill to find, what good to lose,
My Father knoweth best to choose.

SPEECH OF WILLIAM H. SEWARD

AGAINST

MR. DOUGLAS'S SECOND ENABLING BILL,

AND IN FAVOR OF

The Immediate Admission of Kansas into the Union.

Delivered in the Senate of the United States, July 2, 1856.

Mr. President: The daily sessions of the Senate usually last three or four hours. The present one has already reached its fourteenth hour. If I do not hasten, the gleams of the morning sun will pale the lights of the chandelier before I shall have closed my speech. The honorable and distinguished Senator from Kentucky [Mr. Crittenden] has appealed eloquently and earnestly to my love of peace, and to my devotion to the Union. Certainly every consideration weighs upon me as strongly as upon any other American Senator or citizen to make me desire that peace and harmony may prevail throughout this broad land; that my own country, worthier of my love than any other country under the sun, may be united now, henceforth, and forever; and that it may, by means of such harmony and union, continually rise in prosperity, greatness, and glory.

The honorable Senator has based on that appeal a remonstrance against my remark, that "the time for compromises has passed." The honorable Senator from Georgia, [Mr. Toombs,] to whom this bill owes its principal features, has disclaimed for it not only the form but also the character of a compromise. Assuming, however, with the Senator from Kentucky, that this is its true character, I must say, nevertheless, that he misunderstands me, when he supposes that I am opposed to all compromises of all questions, on all occasions. My position concerning legislative compromises is this, namely: personal, partisan, temporary, and subordinate questions, may lawfully be compromised; but *principles* can never be justly or wisely made the subjects of compromise. By *principles* I mean the elements in public questions of moral right, political justice, and high national expediency. Does any honorable Senator assert a different maxim on the subject of legislative compromises?

Unlike, perhaps, that honorable Senator, I regard Slavery as morally unjust, politically unwise, and socially pernicious, in some degree, in every community where it exists. Slavery once, and not long ago, was practically universal. It may be doubted whether, among all the distinguished men whose co-laborer I am in this august assembly, there is one who more than myself, if he could trace his lineage upwards through a period of five hundred or six hundred years, would not reach the *bar sinister.* I owe it to wise, virtuous, and bold legislators, who have gone before me, that I am not myself a slave, and that, within the State where I live, Slavery has forever ceased to exist. I owe it to mankind and to posterity, that being a legislator now myself, Slavery shall by no act of mine be established or extended; and by act of mine, God giving me grace, no human being shall ever hereafter be made or held a slave. This is a principle; and, being a principle, I cannot compromise it. Nevertheless, I am not, for that reason, to be supposed willing to be either turbulent or factious in resisting the majority of my countrymen, when, overruling me, they compromise principles even so sacred as this. I abide that reconsideration which I always hopefully believe near, and am sure is ultimately certain.

It was my fortune to have just come into Congress when California, a free State, applied for admission into the Union. I insisted on her admission, without condition, qualification, or compromise. Others here, on the contrary, demanded a compromise, which should settle, as they said, all actual and all possible questions arising out of the subject of Slavery in the United States, then, thenceforth, and forever. I showed that such a compromise was impracticable. I maintained that questions arising out of Slavery, from time to time, under different circumstances, and in different parts of the Republic, could only be justly and wisely settled, and indeed could only be settled at all, severally and distinctly, on the occasions on which they occurred. I was overruled; I was censured, how widely, how severely, all the world knows, for my refusal to join in a measure of peace and harmony, as it was called, which, as I thought, at the cost of sacrifices of freedom and justice, was expected to terminate the discussion of Slavery in Congress, and to restore harmony and concord throughout the country, and perpetuate them forever.

That compromise was made here about this time, in a midsummer night, like this, at the close of a long and stormy debate. Loud-mouthed artillery, from the terrace of the Capitol, announced to the people of the United States that the Wilmot Proviso was buried under the floor of the Senate Chamber, and that the agitation of Slavery was buried with it. Wherever I went, here or abroad, I was pointed out as a chief mourner—the last to leave that solemn ceremonial. Only four years elapsed, when those who had effected that compromise found it necessary to open to civilization the Territories of Nebraska and Kansas, and they introduced into the Senate a bill for that purpose. Then, all at once the Wilmot Proviso burst the cerements of its grave, and stalked through the Senate Chamber, clad in the same fearful horrors that it had worn before its interment.

The Slavery question thus reopened, certainly by no act of mine, or of those who act with me, the Compromise Act of 1850 was reviewed. Those who favored the extension of Slavery in the Territories maintained that that Compromise drew after it, as a consequence, an abrogation of the prohibition of Slavery in Kansas and Nebraska, contained in the Missouri Compromise Act of 1820. Those who opposed the extension of Slavery denied that consequence. I was among that number, and was again overruled. The majority here then hit upon a new expedient to bind down and confine the Wilmot Proviso in its tomb, and prevent its possible resurrection forever. That expedient was, that Congress should renounce, in favor of the inhabitants of the new Territories, all jurisdiction on the subject of Slavery therein. Having no faith in the justice or the wisdom of that expedient, I calmly warned the Senate that they were only sending this perplexing question of Slavery down to the Territories, to involve their inhabitants in factious and fruitless contests; and that it would come back again to the Senate, red with the heat of those strifes, to be settled here at last. I insisted then that Congress ought to discharge its proper responsibility, and decide whether Kansas and Nebraska should be slave Territories or free Territories. The Compromise ordnance, from the terrace of the Capitol, announced to the people a new triumph, and I was again pronounced, throughout the length and breadth of the land, a disappointed and overthrown agitator. Two years have elapsed. What is the result of this, the second Compromise made within six years—a Compromise consisting in the abnegation of Federal power over the subject of Slavery in the Territories of the United States? The result, in its nature, is just what I predicted; while, in its aggravations, it surpasses all that my fanatical imagination had conceived.

Sir, I say again, and with emphasis, we have had enough of compromises on the subject of Slavery. The day for them has passed. Do you ask what I would do on these disturbing questions? I answer, that I would do on these what I would do on all other questions. I hold this to be a Government of majorities, modified indeed by complex constitutional limitations, but nevertheless a Government of majorities.

It is the business of Congress to adjust and determine all questions which legitimately come before it, and not to compromise them, or to devolve their decision upon others. True, I know very well that I might be overruled, and that Slavery might be established in a Territory by Congress, where I should vote to establish Freedom. In that case, Slavery must remain there, until, in a constitutional way, it shall be removed. So, on the other hand, if Freedom shall be established in the Territories, where others vote to establish Slavery, they too must submit, and abide the change they desire. True, I know that there might be a difference of opinion between the House of Representatives and the Senate in such a case. In such an event, we must wait until the two Houses can agree—to-morrow, the next month, or the next year. The people will ultimately take care to constitute the two Houses so that they shall agree. So much, sir, for my position upon the subject of compromises concerning the subject of Slavery.

Mr. President, the Territory of Kansas constitutes one twenty-fifth part of the whole dominion of the United States of America, sufficient to constitute six States of the average size of those now enrolled in the Confederacy. It is a Territory which, thirty-five years ago, was with a peculiar felicity of wisdom consecrated to Freedom, and assigned as an exclusive field of free labor. The distinguished Senator from Delaware [Mr. Clayton] now argues to convince us that that beneficent act was unconstitutional. The question which is thus raised is merely incidental and collateral now. I am content, therefore, on this occasion, to reply, that the act was a compromise; that it received the form, name, and character, of a compromise, at that time, by the slaveholding States and the free States, as parties having conflicting interests to be settled. And it received that form, name, and character, for the purpose of binding the faith of all parties against a repeal or disturbance of it, on the ground of alleged unconstitutionality, or on any other ground. So it was received and acquiesced in by the people of the United States. So it took its place in the national history, and so it was respected and maintained by all parties until 1854. Congress in that year abrogated the beneficent guarantee of Freedom, and thus offered and exposed the Territory of Kansas, as well as that of Nebraska, to the intrusion of Slavery and slave labor. But Congress, nevertheless, replaced the old covenant of impartial Freedom and free labor, with a guarantee that the inhabitants of Kansas, when coming to organize the Territorial Government after a model prescribed, should be perfectly free to establish Freedom and free labor, and to reject Slavery and menial labor. No sooner had this new Congress assembled, than it was made known to us that that guarantee had failed; that, in the very moment of her organization, an armed foreign body entered the Territory, assumed an attitude of actual war, usurped the franchises of the citizens, seized the machine of Government, and converted it into a tyranny marked by the enforcement of despotic laws, by foreign legislators, magistrates, and ministerial officers; and that the President of the United States was maintaining this despotism in Kansas with the armed force of the United States. I brought these facts to the notice of the Senate, together with the fact that the people of Kansas, free American citizens as they were, unwilling to acquiesce in that usurpation, and unable to submit to that despotism, had assembled at Topeka, in the manner customary on such occasions, and, in acknowledged subjection to the jurisdiction of the United States, organized themselves, provisionally, into a State, and were here, by representatives delegated to both Houses, soliciting admission into the Union. I submitted to the Senate that the new State of Kansas ought to be admitted, not because it would be always wise to admit whatever new States might come, and in whatever manner they might come, nor yet because it would have been wise, under other and different circumstances, to have admitted even Kansas herself, but simply because Kansas was held bound, hand and foot, under a foreign usurpation, at the feet of the President of the United States; and that her admission now was not only a necessary measure of relief and redress, but was the only practicable and adequate one.

I urged her admission on the Senate upon three distinct grounds. First, that it would secure peace to Kansas and to the country, then fearfully threatened with commotion and civil war. Secondly, that it would be the means of protecting property, life, and liberty, within that Territory, then dangerously exposed. Thirdly, that it would be the means of bringing Kansas into the Union as a free State, with the institutions of free labor, in compliance with that original pledge which once had been given the inhabitants of that Territory, and afterwards revoked. I introduced a bill for the admission of the new State of Kansas, and advocated its passage on those grounds, while I urged my objections against the bill relating to the same subject, which had been presented to the Senate by the Committee on Territories. There I left the debate, and I return to it now only because that committee have abandoned their first bill, and adopted the one now under consideration. I stand now by my own bill, which I maintain to be preferable to the last bill of the committee, as it was to the first. Some honorable Senators seem to think that it is unreasonable that I do not give up my own bill, and come down and accept the new one, which they are inclined to treat as a compromise between my own bill for the immediate admission of Kansas, under the Topeka Constitution, and the first bill of the Committee on Territories. Why should I surrender my own bill? If it was wise, just, and necessary, when I presented it to the Senate, it is as just, wise, and necessary now. It was wise, just, and necessary then, if the circumstances under which the Constitution of Kansas was adopted were then truly stated and set forth by me, in my argument delivered in the Senate. In making that argument, I had to rely on probable evidence, for no other evidence then existed. Now, a committee of the House of Representatives, after having diligently inquired on oath, have ascertained and confirmed the truth of the circumstances of Kansas which I then assumed. I state those circumstances anew, on the present occasion, in the moderate and guarded conclusions of the committee of the House of Representatives:

"Spurious and pretended Legislative, Judicial, and Executive officers have been set over them, by whose usurped authority, sustained by the military power of the Government, tyrannical and unconstitutional laws have been enacted and enforced;

"The rights of the people to keep and bear arms have been infringed;

"Test oaths, of an extraordinary and entangling nature, have been imposed as a condition of exercising the right of suffrage and holding office;

"The right of an accused person to a speedy and public trial by an impartial jury has been denied;

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, has been violated;

"They have been deprived of life, liberty, and property, without due process of law;

"The freedom of speech and of the press has been abridged;

"The right to choose their Representatives has been made of no effect;

"Murders, robberies, and arsons, have been instigated and encouraged, and the offenders have been allowed to go unpunished;

"All these things have been done with the knowledge, sanction, and procurement, of the present Administration."

Why, then, under these circumstances, should I abandon my own bill? The honorable Committee on Territories have shown me marked attention, by bestowing some criticisms upon that bill. They inform the Senate that the boundaries of the State of Kansas assigned by the bill differ from the boundaries assigned by the Topeka Constitution. The explanation is a simple one. My bill was drawn before the Topeka Constitution had reached the Senate—certainly, before it had reached me. To avoid all question on the subject of boundaries, I adopted those which were assigned in the bill which had been reported by the Committee on Territories.

Again, the learned committee express a doubt in their report whether my bill is framed so as to admit the State of Kansas under the Topeka Constitution. I have only to say, in reply, that the bill proposes that the State of Kansas shall be admitted immediately. The State of Kansas certainly has no other Constitution than the Topeka one; and the bill, in form, is, *mutatis mutandis*, identical with the law under which California was admitted into the Union, and now holds her place in the Confederacy. These, sir, are unimportant matters—matters of mere detail, unworthy to dwell upon at this hour of the night, and at this period in the session of Congress.

I object to the new bill of the Committee on Territories, for weightier reasons than any of mere criticism on details. I confess, frankly, that I regard it as a bill of concession, if not of compromise. Certainly it goes too far in its concessions to the friends of Freedom in Kansas, to be identical with the bill which it has supplanted in the affections of the Committee on Territories. It permits the people of Kansas to come into the Union with such population as they may have on the 4th of July next, instead of obliging them to wait until they shall have a population of ninety-three thousand four hundred and twenty souls. It seems at least also to waive the previous proposition of the Committee on Territories, of an appropriation for extraordinary expense to maintain peace and order, in subjection to the usurping authorities in Kansas. But, while the bill goes so far, I object against it, that it stops short of a remedy which would restore peace, safety, and freedom, in Kansas.

I am not bound, by any previous committals, to accept any bill which stops short of those objects.

First, however, I inquire what substantial objection lies against my own bill? There is only one which is now seriously insisted upon, which is, that the formation and adoption of the Topeka Constitution were the acts, not of the whole people, but of one political party—a portion of the people of Kansas only. The honorable Senator from Georgia says that the Constitution received only seven hundred votes. It is true that the Free State party instituted proceedings to call a Convention to decide whether it was expedient to establish a provisional State, and also the proceedings to call a Convention to frame the Constitution. But they invited all parties, and all the citizens of Kansas, to participate in the decision of every question which was thus brought under discussion; and they provided that the proceedings should stand or fall, according to the will of the people of Kansas, expressed through the ballot-boxes in the customary way. By majorities, thus formally ascertained, the Convention was called and held, and the Constitution was established and promulgated. Who else should have called the Convention, or instituted proceedings towards the adoption of the Constitution? Not Congress, for Congress had been silent on the subject in the organic law! Not the President nor the Government, for neither had power. Not the Territorial Legislature; that was the authority which was to be subverted by substituting for it a Federal State. Not those who upheld that Legislature, because they were content. It is the party which needs and desires improvement or innovation, in every State, that initiates the proceedings by which it is to be effected. It was unfortunate that the election for the adoption of the Constitution occurred only two days after a new foray of the Missourians in the Territory had terrified and alarmed the people, and rendered it unsafe for the citizens of Kansas to attend the polls, in all the districts throughout the Territory.

This misfortune, however, resulted from no fault of the Convention, or of the majority who adopted the Constitution. The misfortune itself lends strength to the application for the admission of the State. And there can be no mistake in assuming that the Convention was sustained by a majority of the People, since we find, by the report of the committee of the House of Representatives, that elections were held in seventeen districts, which gave for the Constitution seventeen hundred and thirty-one votes, and only forty-six votes against it; while in the town of Leavenworth its opponents destroyed the ballot-boxes, which were known to contain about five hundred additional affirmative votes, with only thirty-eight adverse votes. Sir, the State of California was admitted into this Union, upon proceedings no more legitimate, no more regular, no more warranted by any pre-existing laws, than these.

Mr. WELLER. Will the honorable Senator allow me to correct him?

Mr. SEWARD. Certainly.

Mr. WELLER. I think the honorable Senator does great injustice to the State I have the honor to represent here. There was a military commander in California; and by virtue of that office he exercised civil jurisdiction, and was a civil as well as military Governor. It was under his proclamation that a Convention was called, and the Constitution adopted. Now, in this case, I should like to see the Senator argue the question here, that the Convention was held, not only without authority of law, but in direct violation of the fundamental law organizing that Territory. The point of difference is this: so far as the Federal Government left power in the commander in California, the Convention there was held in pursuance of the ordinance of that officer. There was no law preventing the people of California from prescribing the conditions upon which they should form a Constitution, and ask for admission into the Union. In the absence of any legislation on the part of Congress, the people assembled under the call of the military and civil Governor, and proceeded to organize a State Government, and applied for admission into the Union. But, as to Kansas, there has been a law passed by Congress, prescribing the terms on which they shall form a State Constitution. Their Convention was in direct violation of the fundamental law, and now they ask for admission into the Union. I hope the Senator from New York will see that there is a great deal of difference between the way in which California came into the Union, and the way in which he proposes to admit Kansas.

Mr. SEWARD. The honorable Senator is very kind and very fair in his statement, and I will endeavor to meet the objection he presents. If he had been here, as he was not, I believe, during the debate on the admission of California, he would have learned that it was as serious and grave an objection to the mode in which the California Convention was called, that it was called by a military authority, without any sanction by Congress whatever, as it is now against Kansas, that her Convention was called without the authority of an act of Congress, or in violation of it. The military Governor of California was a Governor appointed in time of war. California was conquered, and it remained in the hands of a Governor who was appointed by the President, without any warrant of law whatever, or of the Constitution.

Mr. WELLER. We held California by a treaty, and not by conquest.

Mr. SEWARD. We held it by both. At all events, my statement was, that there was no previous authority of Congress. The military Governor was Gen. Riley; and I need not say to the honorable Senator from California, that military Governors have no authority, without an act of Congress authorizing and directing them, to institute conventions to subvert the power of the United States. We know, indeed, that the Governor of California acted in conformity with the views of the President; but the President acted without authority, and in obedience only to a political necessity for which no provision had been made. By virtue of the proceedings thus inaugurated and thus conducted, California assumed to be, and became, not merely a provisional State, subject to the Federal Union, but an independent and absolutely sovereign State. Sir, what California did, was rightly done, but it was not done in pursuance of any law. It was done without law, and it was justified then as I justify similar proceedings in Kansas now, on the ground of a high political necessity.

Mr. President, another and lighter objection has been urged against my bill, namely: that the Topeka Constitution provides that it shall not be changed in less than nine years. I do not know this fact, but I am bound to assume it, on the statement of the honorable Senator from Georgia. My answer is, that I am not responsible for that provision in the Constitution. It is an objection of the same character with one that is made by the honorable Senator from Illinois, [Mr. Douglas,] namely: that the Topeka Constitution excludes free colored persons from Kansas. I reply to both of these objections. I take the Constitution, as we must all take it, for better or for worse—just as it is—or we cannot admit the State at all. The people in new States make their Constitutions. Our power is limited to the admission or rejection of a State, whatever its Constitution may be. Again, it is not clear that the provision complained of by the Senator from Georgia will prevent the people of Kansas from subverting this Constitution, and establishing a new one, at any time short of the expiration of nine years. The Constitution of the State of New York, established in 1821, provided for alterations only to be made with the consent of two successive Legislatures. A party desiring radical innovation, and finding it impossible to obtain that object in the form prescribed in the Constitution, secured a majority in the Legislature, and, without any constitutional authority, carried through a law by which proceedings were instituted for calling a Convention, which was subsequently held, and which framed a new Constitution. This new Constitution being submitted to the people, and approved by them, in derogation of the old one, became, and it yet remains, the supreme law of the land.

Mr. DOUGLAS. I will state to the Senator from New York, so that he may know the fact, that the Constitution of Kansas, of which he speaks, provides that amendments may be proposed by two-thirds of each House of the Legislature, for two successive Legislatures; and if adopted by two successive Legislatures, by two-thirds of each House, they are to be submitted to the people, and then a majority of the people may amend it; but it provides that no such amendment shall be made, either by a Convention or the Legislature, for nine years.

Mr. WELLER. A State Constitution must only be Republican in form.

Mr. SEWARD. I thank the honorable Senator for the suggestion, that the only question necessary and practical here is, whether Kansas has a Constitution which is Republican in form. To most Senators, that is enough, under any circumstances. I confess it is not enough for me.

If the provisional State of Deseret shall come here with a Constitution which shall sanction polygamy, I certainly shall vote against admitting as a State a community which has revived that eminently-patriarchal institution, without stopping to decide whether the institution is in harmony with Republicanism or not.

I pass now from my own bill, to consider the new bill presented by the Committee on Territories. So far as the subject of Slavery is concerned, the most which can be claimed for this bill is, that it gives an equal chance to the people of Kansas to choose between Freedom and Slavery. I can well understand that the Senator from Georgia and the Committee on Territories regard this feature of the bill as being entirely just. I differ from them only because the standard of political justice which commends itself to me, is a more rigid one. I recognise no equality, in moral right or political expediency, between Slavery and Freedom. I hold the one to be decidedly good, and the other to be positively bad. I do not think it wise, or just, or necessary, to give to the people of a Territory, where Slavery does not exist, and never has existed, the privilege of choosing Slavery. The inhabitants of a new Territory are necessarily in a condition of pupilage, needing the guardian care as well as counsel of Congress. The experience of Kansas confirms this truth. On the 28th day of May, 1854, there was no civil community, practically there was not one lawful citizen, within the Territory. The Kansas organic law passed, and lo! there was at once a civil community there. But what was its condition? There were a few emigrants scattered throughout a Territory of vast extent, unknown to each other; unorganized, absolutely without civil institutions; without a treasury, or a militia, or public edifices; without organized political parties; and without cultivated fields, or workshops, or established markets, and almost without habitations or homes; incompetent to self-defence or self-government, they were overborne by a small intrusive force from an adjoining State; addressed by foreign factions, with present temptations and seductions, without having any concert of action amongst themselves, they were appealed to, on the one side, to institute Slavery, not for their own benefit, but for the supposed benefit of the slaveholding States, and to weaken the power of the free States—and on the other, by arguments having little weight, amid the confusion incident to the organization of a Territory. Thus the greatest political question that could be submitted to any people, a question which Congress itself has been unable to solve, was devolved for its settlement upon a community which, although it possessed extraordinary intelligence, was, by reason of its immaturity, unable to elect even a legislature and a magistracy for itself. The result has been, not the voluntary establishment of popular sovereignty, or of self-government, with or without Slavery, but a conquest and subjugation of the Territory, with the establishment of Slavery, by slaveholders from Missouri. I maintain, and no one here will deny, that it would have been unwise and injurious to the people of Kansas, if Congress had directly established Slavery in that Territory by the organic law. Congress was bound to foresee the operation of the organic law which it passed. And Congress could not pass a law, the operation of which would be to establish Slavery within the Territory by indirect means, with any more wisdom, or justice, or benevolence, than it could have directly established Slavery there. I say, therefore, that the existing state of things in Kansas is the result of the wrongful and injurious legislation of Congress itself. I maintain, still more, that, since there was a possibility that Slavery might be established within the Territory through popular mistake, or surprise, or conquest, it was a solemn responsibility resting upon Congress to withhold from the people therein—so few, scattered, feeble, unorganized, and deficient in the consolidation which is essential to every civil State, at least until they should have attained something more of organization and maturity—the power to decide so fearful a question. You will tell me that this is a denial of the capacity and of the right of a civil community to exercise self-government. It is a very different thing. It is only insisting that a people must have the necessary elements of a civil community, before the power of self-government can safely be conferred on them. I admit and maintain the right of every individual citizen to enjoy and exercise freedom and self-control, subject to the municipal law of the land. But I deny, at the same time, that it is a parental right or duty to refer to the infant child, who is ultimately to become a citizen, the choice, during his minority, between health and disease, or between virtue and crime. Sir, the long and the short of the whole matter is, that until the Territories of the United States become matured and qualified to assume all the powers of municipal government, and to be admitted as States into the Union, they are dependencies in pupilage on the Federal Government, and Congress is their only real and sovereign legislature. If Slavery is a good institution, a necessary one, and one consistent with the Constitution of the United States, we ought at once to establish it by our own act within every Territory of the United States. If, on the contrary, Slavery is the opposite of all these things, as in my judgment it is, then we ought by our own act to save every Territory of the United States from Slavery. On this principle I have acted throughout, in regard to Kansas, as I have acted throughout in regard to Utah and New Mexico. On this principle, God giving me grace, I shall act in regard to all Territories of the United States, so long as I shall remain here—so long as I shall live.

I do not now pursue the question of the right or of the power of Congress to prohibit Slavery in the Territories of the United States, above this level of realities, into the clouds, where the honorable Senator from Delaware [Mr. Clayton] has sent it. I do not inquire now whether Congress can lawfully prevent a State from establishing Slavery, when adopting its first Constitution, or changing an old Constitution for a new one. Practically, that question is immaterial, and merely a hypothetical one. It assumes that a State, in which Slavery has no existence, and which is left perfectly free to choose Liberty and reject Slavery, will nevertheless establish Slavery; and this, too, in the nineteenth century of the Christian era. No State, under such circumstances, has ever made such a choice; no State, under such circumstances, ever will. We had one State without Slavery when the Revolution began; that State (Massachusetts) is a free State yet. We had, at the close of the Revolution, twelve other States, all which were slave States. Of these, seven have already abolished Slavery. We have added to these thirteen States, eighteen more; and not one of that eighteen, which was free from Slavery while in a Territorial condition, has ever since adopted it. On the other hand, more than one of those States, which had some Territorial or Provincial experience of Slavery, have firmly and perseveringly excluded it. Within the same period, Slavery has been abolished by Mexico, by all the Central American States, by Chili, and by Peru; and it now exists only in one State on the American Continent, and that is the Empire of Brazil. During the same period, no European State has established Slavery. Great Britain has abolished it; France and Denmark have abolished it; Spain is abolishing it; Russia, and even Turkey, are abolishing it. What wretched sophistry is this, to charge me with exercising tyranny over the Territories of the United States—the children of the Federal Republic—because I deny to them the ruinous privilege of choosing an evil and a curse, which no matured State, already exempt from it, will adopt, and which all such States afflicted with it relieve themselves from as speedily as possible!

I am opposed to this bill for these reasons, which are drawn exclusively from its bearings upon the people of Kansas. I am equally opposed to it, for reasons drawn from its bearings upon the whole Federal Union. I think that the addition of every new slave State increases and prolongs the disturbances of peace and harmony in the country. I know of no evil, social or political, which is ever supposed to threaten the stability of the Union, that does not arise immediately out of the existence of Slavery. If this Union is threatened in the South, it is because the rights of slaveholders are supposed to be endangered. If it is threatened in the North, it is because the power of slaveholders is supposed to be on the increase.

It is clear, that the more we multiply slave States, the more this fountain of bitterness will overflow. Again, the more we multiply slave States, the more we hinder the emancipation of slaves in the old States. That emancipation, although it is to be instituted, managed, and conducted, by those slave States themselves, is a reformation due from them to themselves and to the whole Union, because upon it depend the highest possible development of national wealth, and the highest possible increase of national strength and power. While I do not maintain that Slavery is incompatible with the attainment of a certain stage of prosperity in some States, under some circumstances, I do insist, on the contrary, that, all other things being equal, every State flourishes just in proportion as its laboring population are intelligent, inventive, and free. I am opposed to the policy of the bill, because the addition of slave States tends to continue and increase the dependence of our country upon the manufacturing industry and the financial systems of foreign countries, and thus to build up those great interests in foreign countries, instead of making our systems of manufactures and finance continental and independent. During this debate, the bill has been altered (I cannot say, in Parliamentary language, *amended*) by the incorporation of a feature which, if it were otherwise entirely acceptable, would necessarily deprive it of my support. The organic law conferred the right of suffrage, not only upon aliens who had become duly naturalized, but also upon alien inhabitants who have in the forms of law declared their intention to become citizens. The bill before us now disfranchises this latter class. I am not to say now, for the first time, that I regard this Know Nothing or American policy as being equally unjust and unwise. I hold that the right of suffrage is coextensive with the obligation of submission to constituted republican authority. While this bill overthrows that principle essential to Freedom on the one side, it strikes a blow equally dangerous to Freedom on the other, by an indirect invitation to the slaveholder to bring bondmen into the Territory, and thus practically exclude the disfranchised European emigrant. As a general fact, labor in Kansas, as in all our other Territories and States, must be performed either by slaves or by European immigrants. The American People, educated and trained as they are, do not furnish an adequate supply of native labor. This bill encourages slave labor, and discourages immigrant labor.

There is another broad objection to the bill, when regarded as a measure which may result in the establishment of Slavery in the Territories. If I were asked what I think is the real ground of whatever antagonism exists between the free States and the slave States, I should say, that it consists in the unequal extent within which the pure Democratic principle has worked out its proper results in the two sections. In the free States, labor being emancipated, seizes upon the Democratic machinery of the Government, and works out the results of political and social equality with great rapidity and success. Thus labor rules in the free States. In the slave States, labor being enslaved, the operation of a pure Democratic principle is hindered, and the consequence is, that capital is more successful in retaining its ancient sway. I am opposed to the policy of favoring the multiplication of slave States, on the ground, broader than any I have yet taken, that it is injurious to the cause of human society itself. I think it clear, that if the sense of mankind in all civilized nations could be taken, it would be found to require that Slavery should be brought to an end wherever it exists, not immediately, or suddenly, by violence, or without indemnity, but with moderation, prudence, and sagacious administration, and as soon as it can be done, consistently with equal justice. I am unwilling to oppose myself or to place my country in an attitude of defiance against the judgment and benevolence of mankind.

Mr. President, I have sought to find out what plausible ground there can be for the creation of a slave State in Kansas, by the act or with the consent of Congress. The only ground which seems to me to reach that dignity is, that the existing slave States require room for expansion beyond their borders. I know that growing States need room. The State of New York, before it ever comprehended its own destiny, or had assumed its true character, had already reproduced itself in Vermont. Since that time, it has practically extended itself in the forms of new and additional States upon the shores of all the upper lakes.

I do not, however, see a necessity for more room on the part of the slave States. Of course, I speak with much hesitation, but, nevertheless, according to the facts as I understand them.

The free States have an area of 612,597, square miles, and sustain a population of 14,000,000. The slave States, with only 10,000,000 of inhabitants, have an area of 851,508, square miles. The free States have a population of 23 to a square mile. The slave States have a population of only 11 to a square mile. The increase of the white population within the last sixty years has been 16,380,604, or 516 per cent.; while the slave population has increased during the same time only 2,506,416, or 359 per cent. It may be safely inferred from these facts that the slave States will actually need no more room within the next half century. Again, if I do not mistake, regarding the extension of slave Territory merely in an economical aspect, as affecting the price of slaves, I think it clear that further expansion would be injurious to the slave States themselves. The cost of an able-bodied slave, though he is inferior in capacity and intelligence to the white laborer, already exceeds the full cost of the education and maintenance of a white laborer in Europe. If, then, free immigrants existed in sufficient numbers, and had the disposition to migrate into slaveholding States, they would supplant Slavery there altogether.

Since it thus appears, Mr. President, that the slave States have no need of room for further expansion, the anxiety and solicitude for the safety of the slave States against an unreasonable excess of slaves within their territories, which have been so freely and earnestly expressed during this debate, are quite unreal and groundless.

I pass on to examine the bill in its bearings upon the restoration of order and the safety of property, liberty, and life, within the Territory of Kansas. The bill is especially commended to us on the ground that it will effect those great objects. But it seems to me to fall short of them altogether. It proposes that the people of the Territory may hold a Convention in December next, and adopt a State Constitution. They may refuse to adopt a Constitution; and if they should adopt one, Congress may nevertheless reject the new State. If the people make it a free State, the Senate may reject it, because it is free. If it is made a slave State by any means, the House of Representatives may reject it, because it is a slave State. In either case, the remedy is at an end, and the Territory will be left just where it is now. During the intervening interval, and after it, the usurped and tyrannical Government of the Missouri borderers will remain in the full exercise of their hateful functions. The same popular spirit of resolute independence which justly resists them now, will continue to resist them hereafter. The Territory is practically under martial law now, and under martial law it must remain. Whereas, if you admit the State now under the Topeka Constitution, or otherwise abolish the usurpation existing there, it must happen either that the army may be withdrawn, or that, while they maintain peace and order, oppression will cease.

The bill declares that laws of a certain character shall not be enforced within the Territory, and the honorable Senator from Kentucky regards this provision as abrogating some of the tyrannical laws enacted by the usurping Legislature. Certainly it does not abolish all those laws. It is doubtful how many, or which of them, it does abolish, and whether it will abolish any of them effectually. If I did not misunderstand the honorable Senator from Georgia, the author of the bill, he gave it as his opinion, that while the bill re-asserts and re-enacts the Bill of Rights contained in the Constitution of the United States, these obnoxious laws of Kansas do not in fact conflict with that Bill of Rights. Here, then, will be ample room for misapprehension, misunderstanding, and conflict. The Free State party will assume that the obnoxious laws of the usurping Legislature are annulled. The Slave State men, on the other hand, will maintain that they all remain in force. The conflict between them will go to the courts of the Territory, for their decision. From those courts there is no appeal in criminal cases to the Supreme Court of the United States. How those courts will decide on questions to which they are virtually a party, we already know too well, because we know they have already adjudicated that a tavern, in which Free State men are entertained, is a nuisance, and that Free State presses are nuisances, and that even a bridge, over which Free State men travel, is also a nuisance; and that all these nuisances may be abated, on the presentment of a packed grand jury, without a trial, and by an armed *posse comitatus*, consisting of enlisted Pro-Slavery bands; and we know, also, that treason to the United States is adjudged by the same courts to consist not merely in levying war against the United States, or giving aid and countenance to their enemies, but in assembling peacefully as citizens, to petition Congress for a redress of grievances.

The process which this bill proposes for taking the census, districting the Territory, and ascertaining the qualifications of electors, and conducting the elections, is to be confided to a commission appointed by the President of the United States, by and with the advice and consent of the Senate. I have already seen who was first appointed Governor of the Territory by the President and Senate, and how, and upon what grounds, he was removed by the President; and who was appointed his successor by the President and Senate, and how, and upon what grounds, he is retained by the President. I have also seen who were appointed Judges and Marshals for the Territory by the President and Senate, and how, and upon what grounds, they are still retained in office by the President. I have seen how the Governor, Judges, and Marshals, have plunged the Territory into all the horrors of anarchy and civil war, in an effort to compel the people to relinquish the right of self-government, or to flee from the Territory for their lives. I want no more civil agents within the Territory appointed by the present President of the United States. I said, when I addressed the Senate in April last, that Kansas was brought to a state of revolution by the oppressions of the President of the United States, and had assumed an attitude of revolution, which was tolerated, indeed, by the Constitution, but was, nevertheless, an attitude of revolution; and that in this, as in all revolutions, the evil could only be corrected by separating the oppressed altogether from their political relations to the oppressor. I say the same thing now.

I will not dwell minutely on other objections which have been justly raised by my associates here. I am content to say, in general terms, that the President of the United States has perpetrated a *coup d'état*, by which the Territorial Constitution, given to the people of Kansas by the Congress of the United States, has been absolutely subverted; that the President holds absolute power over that people, in the name and the form, indeed, of spurious, legislative, ministerial, and judicial authorities; that Slavery is practically established there already by force; that a portion of the people are slain, while a larger portion have been expelled from the Territory by force; that the freedom of speech and of the press, and the personal inviolability of the electors, as well as the purity of the ballot-box, are subverted, while the leaders of the party of Freedom are either dispersed beyond the Territory, or imprisoned within it, on charges of pretended crimes. The elector can only reach the polls and deposit his vote under the protection of the army of the United States. The circumstances are parallel, almost to the point of coincidence, with those which attended the election by which the Republicans of France invested Louis Napoleon with the powers of an absolute despotism. Fix a day upon which the people of Kansas shall decide between Slavery and Freedom, and, from that day, what remains of free population will be spirited away. A new and factitious immigration of Pro-Slavery electors will rush into the Territory from adjacent slave States. Order and silence will indeed prevail. The elector will receive his ballot at the hands of the soldiers who have restored the Territory to this condition of quiet and peace; and the counting of the ballots will tell the simple story that the Missouri Territorial usurpation is adopted and converted into a State sovereignty, by the voice of the enslaved people of Kansas.

Here is a premonition of the manner in which a Slave State Convention would be obtained under this bill. It is an extract from the testimony of Colonel John Scott, of St. Joseph's, Missouri, given before the Committee of Investigation of the House of Representatives, and will be found in their report:

"It is my intention, and the intention of a great many other Missourians now resident in Missouri, whenever the Slavery issue is to be determined upon by the people of this Territory in the adoption of the State Constitution, to remove to this Territory in time to acquire the right to become legal voters upon that question. The leading purpose of our intended removal to the Territory is to determine the domestic institutions of this Territory, when it comes to be a State; and we would not come but for that purpose, and would never think of coming here but for that purpose. I believe there are a great many in Missouri who are so situated."

We are assured, indeed, that the bill shall be so modified as to allow the electors, who have fled the Territory, to return. Who can vouch for the ability of those poor emigrants, scattered over the free States, to return to their homes in the Territory, even if they should be so disposed? None can be safe in the Territory without arms, or being alone. None can return to the Territory in numbers, and with arms, because armed parties are disarmed, and sent back by the army of the United States.

The honorable Senator from Kentucky [Mr. Crittenden] asks me whether I will do nothing—whether nothing shall be done to compose this fatal strife in Kansas, which, he says, no one has depicted in deeper colors than myself. I answer, Yes. I will vote for the admission of Kansas into the Union, under the Topeka Constitution. That measure, and that measure only, will restore peace and harmony, while it will rescue Freedom from peril. Take that measure. If such a thing is possible, as turning a free State into a slave State, you will yet have the opportunity to do so, if the welfare of Kansas, and of our common country, should seem to you to require it. If you will not adopt that measure, it will then remain for you to propose another remedy; but it must be more just and more tolerant of Freedom than either of those which you have already submitted to the Senate, and it must surrender all the vantage ground in the Territory, which Slavery has acquired by fraud or force. If this bill, now before the Senate, is your ultimatum, then the people of Kansas must trust to that change of public sentiment and of public opinion now going on throughout the United States, which, although it yet has to acquire the strength of habit and the power of complete organization, nevertheless, I think, is sure enough to break all the fetters which have been already fastened upon them, and all that remain within the forge of Executive despotism. To the people of Kansas, and to every advocate of their cause, in this the crowning trial of their fidelity, I say, in the language of the rule I have adopted for the government of my own conduct,

——————"Let thy scope
Be one fix'd mind for all; thy rights approve
To thy own conscience gradually renewed;
Learn to make Time the father of wise Hope;
Then trust thy cause to the arm of Fortitude,
The light of Knowledge, and the warmth of Love."

LETTER OF ACCEPTANCE OF COL. JOHN C. FREMONT.

Philadelphia, *June 19*, 1856.

Sir: A Convention of Delegates assembled at Philadelphia on the 17th, 18th, and 19th days of June, 1856, under a call addressed to the people of the United States, without regard to past political differences or divisions, who are opposed to the repeal of the Missouri Compromise, to the policy of the present Administration, to the extension of Slavery into free Territory, in favor of the admission of Kansas as a free State, and of restoring the action of the Federal Government to the principles of Washington and Jefferson, adopted a declaration of principles and purposes for which they are united in political action—a copy of which we have the honor to enclose—and unanimously nominated you as their candidate for the office of President of the United States at the approaching election, as the chosen representative of those principles in this important political contest, and with the assured conviction that you would give them full practical operation, should the suffrages of the people of the Union place you at the head of the National Government.

The undersigned were directed by the Convention to communicate to you the fact of your nomination, and to request you in their name, and, as they believe, in the name of a large majority of the people of the country, to accept it.

Offering you the assurance of our high personal respect, we are your fellow-citizens,

H. S. Lane.
President of the Convention.
James M. Ashley.
Anthony J. Bleecker.
Joseph C. Hornblower.
E. R. Hoar.
Thaddeus Stevens.
Kinsley S. Bingham.
John A. Wills.
C. F. Cleveland.
Cyrus Aldridge.

To John C. Fremont, of California.

Col. Fremont's Reply.

New York, *July* 8, 1856.

Gentlemen: You call me to a high responsibility, by placing me in the van of a great movement of the people of the United States, who, without regard to past differences, are uniting in a common effort to bring back the action of the Federal Government to the principles of Washington and Jefferson. Comprehending the magnitude of the trust which they have declared themselves willing to place in my hands, and deeply sensible to the honor which their unreserved confidence in this threatening position of the public affairs implies, I feel that I cannot better respond than by a sincere declaration that, in the event of my election to the Presidency, I should enter upon the execution of its duties with a single-hearted determination to promote the good of the whole country, and to direct solely to this end all the power of the Government, irrespective of party issues, and regardless of sectional strifes. The declaration of principles embodied in the resolves of your Convention expresses the sentiments in which I have been educated, and which have been ripened into convictions by personal observation and experience. With this declaration and avowal, I think it necessary to revert to only two of the subjects embraced in the resolutions, and to those only, because events have surrounded them with grave and critical circumstances, and given to them especial importance.

I concur in the views of the Convention deprecating the foreign policy to which it adverts. The assumption that we have the right to take from another nation its domains because we want them, is an abandonment of the honest character which our country has acquired. To provoke hostilities by unjust assumptions would be to sacrifice the peace and character of the country, when all its interests might be more certainly secured, and its objects attained, by just and healing counsels, involving no loss of reputation.

International embarrassments are mainly the results of a secret diplomacy, which aims to keep from the knowledge of the people the operations of the Government. This system is inconsistent with the character of our institutions, and is itself yielding gradually to a more enlightened public opinion, and to the power of a free press, which, by its broad dissemination of political intelligence, secures, in advance, to the side of justice, the judgment of the civilized world. An honest, firm, and open, policy in our foreign relations would command the united support of the nation, whose deliberate opinions it would necessarily reflect.

Nothing is clearer in the history of our institutions than the design of the nation, in asserting its own independence and freedom, to avoid giving countenance to the extension of Slavery. The influence of the small but compact and powerful class of men interested in Slavery, who command one section of the country, and wield a vast political control as a consequence in the other, is now directed to turn this impulse of the Revolution, and reverse its principles. The extension of Slavery across the continent is the object of the power which now rules the Government; and from this spirit has sprung those kindred wrongs in Kansas, so truly portrayed in one of your resolutions, which prove that the elements of the most arbitrary Governments have not been vanquished by the just theory of our own.

It would be out of place here to pledge myself to any particular policy that may be suggested, to terminate the sectional controversy engendered by political animosities, operating on a powerful class, banded together by a common interest. A practical remedy is the admission of Kansas into the Union as a free State. The South should, in my judgment, earnestly desire such consummation. It would vindicate their good faith—it would correct the mistake of the repeal; and the North, having practically the benefit of the agreement between the two sections, would be satisfied, and good feeling be restored. The measure is perfectly consistent with the honor of the South, and vital to its interests.

That fatal act which gave birth to this purely sectional strife, originating in the scheme to take from free labor the country secured to it by a solemn covenant, cannot be too soon disarmed of its pernicious force. The only genial region of the middle latitudes, left to the emigrants of the Northern States for homes, cannot be conquered from the free laborers, who have long considered it as set apart for them in our inheritance, without provoking a desperate struggle. Whatever may be the persistence of the particular class which seems ready to hazard everything for the success of the unjust scheme it has partially effected, I firmly believe that the great heart of the nation, which throbs with the patriotism of the freemen of both sections, will have power to overcome it. They will look to the rights secured to them by the Constitution of the Union as their best safeguard from the oppression of the class which, by a monopoly of the soil, and of slave labor to till it, might in time reduce them to the extremity of laboring upon the same terms with the slaves. The great body of non-slaveholding freemen, including those of the South, upon whose welfare Slavery is an oppression, will discover that the power of the General Government over the public lands may be beneficially exerted to advance their interests and secure their independence. Knowing this, their suffrages will not be wanting to maintain that authority in the Union which is absolutely essential to the maintenance of their own liberties, and which has more than once indicated the purpose of disposing of the public lands in such a way as would make every settler upon them a freeholder.

If the people intrust to me the administration of the Government, the laws of Congress in relation to the Territories will be faithfully executed. All its authority will be exerted, in aid of the national will, to re-establish the peace of the country on the just principles which have heretofore received the sanction of the Federal Government, of the States, and of the people of both sections. Such a policy would leave no aliment to that sectional party which seeks its aggrandizement by appropriating the new Territories to capital in the form of Slavery, but would inevitably result in the triumph of free labor—the natural capital which constitutes the real wealth of this great country, and creates that intelligent power in the masses, alone to be relied on as the bulwark of free institutions.

Trusting that I have a heart capable of comprehending our whole country, with its varied interests, and confident that patriotism exists in all parts of the Union, I accept the nomination of your Convention, in the hope that I may be enabled to serve usefully its cause, which I consider the cause of constitutional Freedom.

Very respectfully, your obedient servant,

J. C. Fremont.

To Messrs. H. S. Lane, President of the Convention; James M. Ashley, Anthony J. Bleecker, Joseph C. Hornblower, E. R. Hoar, Thaddeus Stevens, Kingsley S. Bingham, John A. Wills, C. F. Cleveland, Cyrus Aldrich, Committee, &c.

TRIAL OF PRESTON S. BROOKS FOR ASSAULT AND BATTERY.

His Remarks in Court—Decision of Judge Crawford.

Hon. P. S. Brooks appeared before Judge Crawford, at 10 o'clock on Monday, to answer to the charge of assault upon Senator Sumner. Mr. Brooks was accompanied by Senator Butler and a number of other friends.

The District Attorney appeared for the United States, and John A. Linton, Esq., and Hon. Mr. Orr, of South Carolina, for defence.

The District Attorney read the correspondence that had passed between him and Mr. Sumner—a letter from Mr. Sumner, dated Silver Spring, June 30, in which he expressed his inability to attend on the day assigned for the trial; a letter from the District Attorney to Mr. Sumner, stating that witnesses were in waiting from a distance, who were anxious to be examined, and inquiring what day his health would permit him to appear, and if he would be willing to accept the proposition of defendant's counsel, to submit the case upon the evidence before the House committee; a letter of Mr. Sumner, in reply, expressing surprise at the communication of the District Attorney; that he [Sumner] had nothing to do with the case, directly or indirectly; that its whole conduct belonged to the Attorney of the United States; a letter from Mr. Key, replying, that though the conduct of the case belonged to the Attorney of the United States, he did not suppose that in any case the desire of a public prosecutor to confer with and consult the wishes of the injured party would excite surprise; that having received no answer to his inquiries, the trial would proceed on the 8th of July, at which time be hoped Mr. Sumner would be able to attend; a letter from Mr. Sumner, that he would not probably be able to attend at that time, and reiterating his desire not to take any part in the proceeding.

The examination of witnesses was then entered upon.

William Y. Leader, James W. Simonton, Hon. L. M. Keitt, Senator Pearce, Senator Toombs, Dr. Boyle, Dr. Lindsly, and Senator Benjamin, were examined, the evidence being substantially the same as that elicited before the Congressional Committee.

Senator Benjamin testified to Sumner's speech having been printed in advance of its delivery.

Senator Toombs, while on the stand, at the request of the counsel for the defence, read from the speech of Mr. Sumner the portion attacking Senator Butler and South Carolina.

The evidence being concluded,

Mr. Brooks, the defendant, then rose, and addressed the Court as follows:

May it please your Honor: I appear in person before this honorable Court, simply to receive its judgment. I would have preferred that the person upon whom the assault was committed had been present to answer whether or not his speech, which libelled my State and my blood, was printed before its delivery in the Senate. I feel confident that, under oath, he could not have denied this fact, which, with due reference to your Honor, I regard as material to my defence, insomuch as a libel is contrary to law, and to that extent would operate in extenuation of my offence. I would like to have inquired of him, in person, as to the degree of his personal injuries, and to have been informed in what way he could reconcile that part of his statement, as to the words used by me when the assault was made, with the sentence which immediately succeeds this language in his testimony before the Investigating Committee, and which is as follows: "While these words were passing from his [my] lips, he commenced a succession of blows, with a heavy cane, on my bare head, *by the first of which I was stunned*, so as to lose sight." It would have gratified me, had he been compelled to answer, under oath, as to the violence of the first blow, which I aver was but a tap, and intended to put him on his guard. But, sir, he is conveniently and deliberately absent and on travel, notwithstanding but six days ago this case was postponed on account of his extreme indisposition, and the materiality of his testimony; and yet, with all these disadvantages, I prefer to receive the judgment of the Court than to continue in suspense.

It is not my purpose to adduce any evidence in defence. I have already accomplished more than half of the journey of life, and this is the first time that it has been my misfortune to be arraigned before any judicial tribunal, as a breaker of any law of my country. I confess, sir, and without shame, that my sensibilities are disturbed by my novel position, and I have but to express my profound regret that, in discharging a duty imposed upon me by my own sense of right, and the sentiment of the gallant people it is my pride and honor to represent, I am constrained, as a consequence, to approach you as a violator, and not as a maker, of the law.

In extenuation of my offence, permit me to say, that no extraordinary power of invention is requisite to imagine a variety of personal grievances which the good of society, and even public morality, require to be redressed, and yet no adequate legal remedy may be had. So also are those cases which may fall under the condemnation of the letter of the law, and yet like considerations will restrain its penalties. The villain who perverts the best feelings of the better sex, and rewards unsuspecting devotion with ruin, may bid defiance to this honorable Court; but, where a sister's dishonor is blotted out with the blood of her destroyer, an intelligent and wholesome public opinion, embodied in an intelligent and virtuous jury, always has and always will control the law, and popular sentiment will applaud what the books may condemn. It is the glory of the law, that it is founded in reason. But can that reasoning be just which is not regardful of human feeling? Sir, no one knows better than yourself that such a reproach does not rest upon our jurisprudence; for even the stern letter of the law touches with tenderness the husband who slays, in the act, the usurper of his bed. The child who kills in defence of its parent is excused by the law, which is ever regardful of the virtuous impulses of nature.

By a parity of reasoning, patriotism is regarded by every nation upon earth as the cardinal political virtue. Sons are made to reward it, and to perpetuate the names of those who are its exemplars; and can it be expected—will it be required—that I, with a heart to feel and an arm to strike, shall patiently hear and ignobly submit, while my political mother is covered with insult and obloquy and dishonor—while her character is slandered and her reputation libelled? Sir, the substance which I have been gathering for my children may be squandered; my body may be consigned to the common jail; my life itself may be forfeited; but I will be true to the instincts of my nature—true to the home of my maturity, and to the mother that bore me.

The first political lesson which my ripening faculties fully comprehended and appreciated, was the high moral and social obligations of every citizen to bow himself to the majesty of the law. In obedience to the precepts of my youth, which are sanctioned by the experience and judgment of mature years, I submit my case to the discretion of the Court, with entire confidence that while you, sir, as a magistrate, perform your whole duty to the country and yourself, you will remember that, in every regulated community, public opinion distinguishes between crime and honorable resentment, and tolerates the refuge which men sometimes seek in the magnanimity of their judges.

Judge Crawford, upon the conclusion of Mr. Brooks's remarks, proceeded to give the following decision:

"As this matter will be within a short time the subject of investigation in another place, and as it is not necessary to the discharge of my duty that I should remark on the evidence adduced, which I could not do without touching on some of the points that will probably be raised elsewhere, it appears to me to be proper that the sentence of the Court should be pronounced without comment. That sentence is, that the defendant pay a fine of $300."